BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. CALIFORNIA CHILDREN'S SERVICES.	OAH CASE NO. 2012080386 ORDER DENYING REQUEST FOR RECONSIDERATION

On February 13, 2013, the undersigned administrative law judge issued an order that granted the motion of the Cupertino Union School District (District) and Santa Clara County Office of Education (SCCOE) to be dismissed as parties. On March 18, 2013, California Children's Services (CCS) filed a request for reconsideration with the Office of Administrative Hearings (OAH), which asserted that the District and SCCOE are required parties to this action due to their legal requirement to provide Student with a free appropriate public education (FAPE). On March 21, 2013, Student filed an opposition to the request. The District and SCCOE have not submitted a response.

APPLICABLE LAW

OAH will generally reconsider a ruling upon a showing of new or different facts, circumstances, or law justifying reconsideration, when the party seeks reconsideration within a reasonable period of time. (See, e.g., Gov. Code, § 11521; Code Civ. Proc., § 1008.) The party seeking reconsideration may also be required to provide an explanation for its failure to previously provide the different facts, circumstances or law. (See *Baldwin v. Home Savings of America* (1997) 59 Cal.App.4th 1192, 1199-1200.)

DISCUSSION AND ORDER

CCS alleges no new facts, circumstances, or law in support of the request for reconsideration as the moving papers are basically a rehash of prior factual and legal arguments that OAH has rejected, but which CCS believes that if it keeps repeating in longer and longer legal briefs that OAH will capitulate to its wishes. Instead of rehashing the same factual and legal arguments, CCS should prepare to take this matter to hearing if it believes that it is not responsible for providing Student with a FAPE. Further attempts by CCS to raise again the contentions in its request for reconsideration may subject CCS to sanctions.

Accordingly, CCS' request for reconsideration is denied.

IT IS SO ORDERED.

Dated: March 21, 2013

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings