BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. INGLEWOOD UNIFIED SCHOOL DISTRICT.	OAH CASE NO. 2013051149 ORDER GRANTING REQUEST FOR RECONSIDERATION AND DENYING STUDENT'S REQUEST TO ADD THE CALIFORNIA DEPARTMENT OF EDUCATION AS A PARTY

On August 1, 2013, the undersigned Administrative Law Judge (ALJ) issued an order granting Student's motion to amend its original request for due process hearing (complaint). In essence, Student's motion asked that the California Department of Education (CDE) be added as a party, and the ALJ construed this as a motion to amend the complaint.[1] On August 6, 2013, CDE filed a motion for reconsideration of the order allowing the complaint to be amended by Student, with CDE being added as a party. Student filed a response to the motion for reconsideration on August 9, 2013, and CDE filed a reply to Student's response on August 14, 2013. Inglewood Unified School District (District) filed no response to Student's original motion, nor did it respond to CDE's motion for reconsideration.

APPLICABLE LAW

The Office of Administrative Hearings 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

In its reply to Student's response to its motion for reconsideration, CDE argues that Education Code section 41326, subdivision (b)(10)(F), which was relied upon by the undersigned ALJ to support Student's request to add CDE as a party, requires the State Superintendent of Public Instruction (SSPI) to approve any agreements into which the

[1] Student claimed that CDE should be added as a party because, as a condition of lending money to the impoverished, CDE took over all of the rights and responsibilities of the District's Board. (E.g. Stats. 2012, c. 325, § 3.)

District might enter. As counsel for CDE correctly points out, CDE is not the SSPI. Accordingly, CDE's motion for reconsideration is granted.

Upon reconsideration of the previous order, the ALJ now finds that CDE should not be joined as a party. Accordingly, Student's motion to amend its complaint by adding CDE as a party is denied.[2]

IT IS SO ORDERED.

Dated: August 15, 2013

/s/

REBECCA FREIE
Administrative Law Judge
Office of Administrative Hearings

[2] Nothing in this order precludes Student from timely filing a request to add the SSPI as a party. Should Student intend to add the SSPI, Student should move to file an amended complaint to add the SSPI, and file a proposed amended complaint.