BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. SANTA ROSA CITY SCHOOLS.	OAH Case No. 2014090161 ORDER DENYING REQUEST FOR RECONSIDERATION

On September 11, 2014, the undersigned administrative law judge issued an order granting Santa Rosa's motion to dismiss the case on grounds that the Office of Administrative Hearings does not have jurisdiction in the matter. The ALJ noted that Student did not seek any remedies other than "substantial damages" to compensate her for the loss of her self-esteem, friendships, or any semblance of normal life. In the order, the ALJ stated:

> Clearly, Student does not seek any remedy under the IDEA but instead is seeking money damages and is merely attempting to file this action so as to get to Federal or State court where she can receive money damages. The dispositive question therefore is whether Student is seeking a remedy to injuries that could be redressed to any degree by the administrative procedures of the IDEA. IDEA remedies include educational services for disabled children. (*Blanchard v. Morton School District* (9th Cir. 2005) 420 F.3d 918, 921.) Since Student fails to seek any remedy under the IDEA, OAH is without jurisdiction in this matter.

On September 11, 2014, Student filed a pleading entitled "Amendment of original complaint.as to remedy." In this pleading, Student states that "parent is moving that the dismissal be set aside." Thus, Student's motion is in actuality a motion for reconsideration, and it is deemed to be a request for reconsideration.

In his request, Student states clearly that she is seeking "compensatory damages," which are monetary damages.

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

Student alleges no new facts, circumstances, or law in support of the request for reconsideration.

Accordingly, Student's request for reconsideration is DENIED.

IT IS SO ORDERED.

DATE: September 18, 2014

/S/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings