

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LONG BEACH UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2014040858

ORDER DENYING REQUEST FOR
RECONSIDERATION

On May 8, 2014, the undersigned Administrative Law Judge issued an order granting the Long Beach Unified School District's (District) request to dismiss issues nine, 10 and 11 of Parent on behalf of Student's (Student) complaint. On May 9, 2014, Student filed a request for reconsideration. District did not file an opposition.

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 reconsideration.

Student re-alleges that a May 16, 2013 settlement agreement (Agreement) failed to bar issues nine, 10, and 11 of Student's complaint because they were not cited with particularity in the Agreement. In his motion for reconsideration, Student asserts that the Agreement only waived claims related to speech and language and resource services. In his opposition to District's motion to dismiss issues, Student previously asserted that the Agreement only waived claims for occupational therapy. Yet, the Agreement generally waived Student's right to claim a denial of a free appropriate public education related to supports, services, goals, and objectives related to an April 17, 2013 Individualized Education Program (IEP), through an IEP held in September 2013.

Consequently, Student's argument is, still, without merit as Student's issues nine, 10 and 11 of his present complaint, which allege a denial of FAPE based upon District's failure to offer various services and goals at the April 17, 2013 IEP, were waived pursuant to the plain language of the Agreement.

Accordingly, Student's request for reconsideration is Denied.

IT IS SO ORDERED.

DATE: May 12, 2014

/s/

PAUL H. KAMOROFF
Administrative Law Judge
Office of Administrative Hearings