

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ORANGE UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2014060546

ORDER DENYING STUDENT'S
REQUEST FOR RECONSIDERATION

On June 23, 2014, the undersigned administrative law judge (ALJ) issued an order granting the motion of Orange Unified School District (OUSD) to be dismissed as a party (Order). On July 11, 2014, Student filed a motion for reconsideration of the Order, essentially on two grounds: (1) new factual information had been obtained justifying reconsideration, and (2) the ALJ's analysis of the facts and law was incorrect.

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 argues that the ALJ did not take into consideration OUSD's "admissions as to OUSD's responsibilities given [Student's] residence within OUSD's jurisdiction," evidenced by a document enrolling Student in OUSD during his four-month hospitalization from August 2011-February 2012. This document was originally attached to OUSD's reply to Student's opposition to the motion to dismiss, which was filed after the Order was issued.

Although the enrollment document was filed after the Order issued, it does not justify reconsideration of the Order. OUSD's knowledge of Student's hospitalization within its boundaries was not in dispute and not relevant to the motion to dismiss. OUSD was dismissed as a party because Student's "child find" claim against OUSD was outside of the two-year statute of limitations for claims under the Individuals with Disabilities Act (20 U.S.C. § 1400, et seq.) set forth at Education Code, section 56505, subdivision (l), and Student did not allege any basis for an exception to the statute of limitations. Student's

motion for reconsideration consists of no more than additional argument in support of the same facts, circumstances, and law argued in his original motion.

To the extent Student contends that the undersigned ALJ misapplied the law concerning exceptions to the statute of limitations, that is not a basis for reconsideration, but for seeking review, if and to the extent available.

For the reasons stated above, Student's motion for reconsideration is denied.

IT IS SO ORDERED.

DATE: July 14, 2014

/s/

ALEXA J. HOHENSEE
Administrative Law Judge
Office of Administrative Hearings