

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

CALIFORNIA DEPARTMENT OF
EDUCATION, TOM TORLAKSON, AND
HAWTHORNE SCHOOL DISTRICT.

OAH CASE NO. 2014090949

ORDER DENYING REQUEST FOR
RECONSIDERATION

On October 7, 2014, the undersigned administrative law judge issued an order granting a motion to dismiss filed by the California Department of Education and Tom Torlakson, State Superintendent of Instruction, finding that Student had failed to allege a claim against the moving parties within the jurisdiction of the Office of Administrative Hearings. On October 8, 2014, Student filed with OAH a letter requesting to reopen all claims averred in the complaint as to CDE and Superintendent Torlakson. In effect, Student is requesting the ALJ to reconsider the October 7, 2014 order which dismissed the CDE and Superintendent Torlakson as parties. Thus, the pleading is deemed a motion for reconsideration. No opposition has been received.

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. In fact, Student's only grounds cited is that he is seeking to retain legal counsel.

Accordingly, Student's request for reconsideration is DENIED.

IT IS SO ORDERED.

DATE: October 21, 2014

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings