

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

LOS ANGELES UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT,

OAH Case No. 2017020291

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2017010696

ORDER DENYING STUDENT'S
MOTION FOR RECONSIDERATION

On January 6, 2017, parent on behalf of Student filed a Request for Due Process Hearing with the Office of Administrative Hearings in case number 2017010696 (Student's Case), naming Los Angeles Unified School District. On February 7, 2017, District filed a Request for Due Process Hearing with OAH in case number 2017020291 (District's Case). Concurrently with the filing of the District's Case, District filed its Motion to Consolidate Student's Case with District's Case. On February 13, 2017, OAH granted District's Motion to Consolidate.

On February 15, 2017, Student filed a notice of insufficiency as to District's Case, and a request for reconsideration of District's Motion to Consolidate.¹ District did not oppose.

APPLICABLE LAW

OAH 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

¹ Student's Notice of Insufficiency will be handled in a separate order.

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

Student contends that District partially served one page of its complaint by facsimile onto Student. Because District did not properly serve Student the rest of its complaint, District's complaint was insufficient, should be dismissed, and its Motion to Consolidate should not have been granted.

Student alleges no new facts, circumstances, or law in support of the request reconsideration. District's failure to serve all pages of the complaint onto Student was not new information which impacted OAH's finding Student's Case and District's Case involve a common question of law or fact regarding the appropriateness of Student's October 24, 2016 individualized education program, occupational therapy, psycho-educational and speech and language assessments; and that consolidation furthers judicial economy.²

Accordingly, Student's request for reconsideration is denied.

ORDER

1. Student's Motion for Reconsideration of District's Motion for Consolidation is denied.

IT IS SO ORDERED.

DATE: February 21, 2017

DocuSigned by:

Sabrina Kong

SABRINA KONG

Administrative Law Judge
Office of Administrative Hearings

² Student may file a Motion to Reset Timelines based on when Student received a complete copy of District's complaint.