

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

SAN JUAN UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021090389

ORDER DENYING REQUEST FOR RECONSIDERATION

OCTOBER 12, 2021

On September 24, 2021, the undersigned Administrative Law Judge issued an order denying San Juan Unified School District's motion to dismiss the complaint. On September 27, 2021, San Juan filed a motion for reconsideration of the September 24, 2021 order. Student filed an opposition on October 7, 2021 and San Juan replied on October 8, 2021

APPLICABLE LAW

The Office of Administrative Hearings, called 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, generally within ten days. (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.)

San Juan has not established a basis for reconsideration of the previously issued order. New or different facts have not been provided. Nor has San Juan cited new law that mandates a change to the prior ruling. Prior OAH rulings are not precedential and while prior special education rulings may be considered as persuasive, they are not binding authority. (Govt Code § 11425.60; tit. 5, Cal. Code Regs., § 3085.) San Juan has offered no new authority establishing that dismissal is the appropriate remedy in these circumstances.

ORDER

The motion for reconsideration is denied. All dates set in this matter are confirmed.

IT IS SO ORDERED.

Penelope S. Pahl

Penelope S. Pahl

Administrative Law Judge

Office of Administrative Hearings