BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENTS ON BEHALF OF STUDENT, v. ALAMEDA UNIFIED SCHOOL DISTRICT AND NEA COMMUNITY LEARNING CENTER CHARTER SCHOOL DISTRICT.	OAH Case No. 2017060767 ORDER DENYING MOTION FOR RECONSIDERATION OF ORDER OF DETERMINATION OF SUFFICIENCY OF DUE PROCESS COMPLAINT

On July 5, 2017, the undersigned administrative law judge issued an order that determined Student's complaint to be sufficient under title 20 United States Code section 1415(b)(7)(A)(ii). On July 11, 2017, Alameda Unified School District filed a motion for reconsideration. On July 13, 2017, Student filed an opposition to the motion.

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

Alameda argues that the July 5, 2017 order determining the sufficiency of Student's complaint failed to note that Alameda and Nea Community Learning Center Charter School District are two distinct local education agencies and that the complaint fails to provide facts establishing a nexus between the 2017 findings and recommendations from Student's independent assessors and Alameda's alleged failure to provide Student a free appropriate public education during the 2015-2016 school year.

Student's complaint does acknowledge Alameda and Nea are two distinct LEAs, and the July 5, 2017 OAH Order recognized that distinction. What Student's compliant provides with sufficient facts, is that the independent assessors' findings and recommendations, though determined in 2017, could have been present and appropriate during the 2015-2016 school year while Student was enrolled in Alameda. Thus, Student argues that Alameda denied Student a FAPE during the 2015-2016 school year by failing to identify Student's needs and provide the appropriate special education and related services Student required that came to light through Student's 2017 independent evaluations. Alameda alleges no new facts, circumstances, or law in support of the motion for reconsideration. Accordingly, Alameda's request for reconsideration is denied.

ORDER

Alameda's Motion for Reconsideration of the Determination of Sufficiency is denied.

DATE: July 17, 2017

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Rommel P. Cruz
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ROMMEL P. CRUZ
Administrative Law Judge
Office of Administrative Hearings