BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. INGLEWOOD UNIFIED SCHOOL DISTRICT, CALIFORNIA DEPARTMENT OF EDUCATION	OAH CASE NO. 2013061090 ORDER DENYING REQUEST FOR RECONSIDERATION

On July 16, 2013, the undersigned administrative law judge (ALJ) issued an order denying the Motion to Dismiss by the California Department of Education (CDE), finding that CDE was a proper party to this due process matter. On August 16, 2013, CDE filed a Motion for Reconsideration. On August 20, 2013, Student opposed. On August 21, 2013, CDE filed a reply to Student's opposition. On August 22, 2013, both parties filed additional supplemental briefs. As discussed below, CDE's Motion for Reconsideration is denied.

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

CDE alleges no new facts or law in support of the request for reconsideration. The basis for CDE's Motion is that another ALJ's ruling, on a motion in a different due process matter, was arguably inconsistent with the ruling at issue herein. This is not a basis for reconsideration, as no new or different facts or law are presented. The circumstances of a different ruling in a different matter, relying on different underlying briefing and argument, is not a circumstance justifying reconsideration here.

ORDER

California Department of Education's Motion for Reconsideration is denied.

Dated: August 28, 2013

/s/

JUNE R. LEHRMAN
Administrative Law Judge
Office of Administrative Hearings