BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

| | |
|---|---|
| In the Matter of:<br><br>ANAHEIM CITY SCHOOL DISTRICT,<br><br>v.<br><br>PARENT ON BEHALF OF STUDENT. | OAH Case No. 2017010041<br><br>ORDER DENYING REQUEST FOR RECONSIDERATION |

On January 5, 2017, Student filed a motion to dismiss. Student's motion argued that the complaint filed by District is without merit and misleading and that OAH cannot decide Student's medical needs or medically ordered accommodations. On January 18, 2017, the undersigned administrative law judge issued an order denying Student's motion to dismiss. The order denying the motion explained that the motion sought a ruling on the merits of the dispute, which cannot be determined by motion but requires the development of a factual record at hearing.

On January 19, 2017, Student filed a second motion to dismiss, alleging that the complaint filed by District is without merit and misleading and that OAH cannot decide Student's medical needs or medically ordered accommodations.

On January 24, 2017, District filed an opposition to the motion. District argues that this is the second motion to dismiss filed in this matter, it never received a copy of Student's first motion to dismiss, and Student never served District's counsel with the second motion to dismiss. District further argues that District's complaint seeks an order on a matter within OAH jurisdiction, permitting it to fully assess Student pursuant to the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et. seq.) so that it can develop an individualized education program to address Student's needs.

## 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

*Reconsideration*

Student's motion to dismiss is based upon the same grounds as the motion denied by the undersigned ALJ on January 18. 2017, that the complaint is false and misleading and that OAH does not have jurisdiction to determine Student's medical needs or medically ordered accommodations. Accordingly, Student's motion to dismiss is treated as a request for reconsideration of the January 18, 2017 order denying Student's motion to dismiss. Student alleges no new or different facts, circumstances, or law supporting the request for reconsideration. Student's motion is denied.

## ORDER

1. Student's Motion to Dismiss is a motion for reconsideration of the Order Denying Motion to Dismiss dated January 18, 2017.

2. Student's Motion for Reconsideration is denied.

3. Parents are ordered to hereafter serve District's counsel with all documents, including all pleadings, objections, motions and oppositions, filed in this matter, unless otherwise ordered.

IT IS SO ORDERED.

DATE: January 24, 2017

DocuSigned by:

274A5DD1AD87400...

LAURIE GORSLINE
Administrative Law Judge
Office of Administrative Hearings