BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. SAN DIEGO UNIFIED SCHOOL DISTRICT.	OAH Case No. 2019040157 ORDER DENYING REQUEST FOR RECONSIDERATION

On May 22, 2019, the undersigned administrative law judge issued an order that dismissed Student's amended complaint on the grounds that Student's claims were barred by a December 18, 2018 final settlement agreement and release entered into by the parties.

On May 28, 2019, Parent on behalf of Student filed a with the Office of Administrative Hearings a "Request for Appeal," which was served on San Diego Unified on May 30, 2019, which the Office of Administrative Hearings is treating as a request for reconsideration on the May 22, 2019 order. On June 3, 2019, San Diego Unified filed an opposition.

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 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

While Student's motion is titled "Request for Appeal," it is in fact a Motion for Reconsideration, as OAH does not hear appeals of its orders. Student's motion requests that an order be issued that sets aside the May 22, 2019 order dismissing Student's amended complaint. In his motion for reconsideration, Student fails to allege new facts,

circumstances, or law in support of the request for reconsideration. Specifically, Student fails to allege new or different facts or law, as to why Student's claims raised in his amended complaint should not barred by the December 18, 2018 settlement agreement and should be permitted to proceed to hearing.

Accordingly, Student's motion for reconsideration is denied.

IT IS SO ORDERED.

DATE: June 4, 2019

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