BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS,

GOLDEN PLAINS UNIFIED SCHOOL DISTRICT, AND

KERMAN UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2020070315

ORDER DENYING REQUEST FOR RECONSIDERATION

SEPTEMBER 29, 2020

On September 17, 2020, the undersigned Administrative Law Judge issued an order denying Golden Plains Unified School District's motion to dismiss complaint. On September 25, 2020, Golden Plains filed a motion for reconsideration. The Office of Administrative Hearings, called OAH, did not receive a response from Student.

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, 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.)

DISCUSSION

Golden Plains offers no new facts, circumstances or law to support reconsideration. Golden Plains restates similar arguments from its motion to dismiss, that were denied by OAH. Golden Plains again overlooks that the issues contained in Student's complaint fall squarely within OAH's jurisdiction. (20 U.S.C. § 1415(b)(6); Ed. Code, § 56501.)

Golden Plains also overlooks that OAH has broad equitable powers to remedy the failure of a school district to provide a free appropriate public education to a disabled child that could include relief that is not provided to Student. (20 U.S.C. § 1415(i)(1)(C)(iii); Ed. Code, § 56505, subd. (g); see *School Committee of the Town of Burlington, Massachusetts v. Dept. of Education* (1985) 471 U.S. 359, 369 [105 S.Ct. 1996, 85 L.Ed.2d 385].) Consequently, Student's passing after the complaint was filed does not, by itself, moot or extinguish the complaint.

ORDER

Golden Plain has not established that OAH's September 17, 2020 Order Denying Motion to Dismiss should be reconsidered. The motion for reconsideration is denied. All dates set in this matter are confirmed.

IT IS SO ORDERED.



Paul H Kamoroff

Administrative Law Judge

Office of Administrative Hearings