BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

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| In the Matter of:<br><br>LEGAL GUARDIAN ON BEHALF OF STUDENT,<br><br>v.<br><br>GRAVENSTEIN UNION SCHOOL DISTRICT. | OAH CASE NO. 2013060983<br><br>ORDER DENYING REQUEST FOR RECONSIDERATION |

On June 25, 2013, Advocate Myra Galt filed with the Office of Administrative Hearings (OAH) a Due Process Hearing Request (complaint) on behalf of Legal Guardian on behalf of Student (Student) naming the Gravenstein Union School District (District).[1]

On June 26, 2013, Carl D. Corbin, attorney for the District, timely filed a Notice of Insufficiency (NOI) as to Student's complaint.

On June 26, 2013, the undersigned administrative law judge granted the District's NOI, vacated all pending dates, and allowed Student 14 days to file an amended complaint. On June 28, 2013, Student filed a letter with OAH which is deemed a motion for reconsideration of the order deeming Student's complaint insufficient.

## 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

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[1] Student originally sought to additionally name the District superintendent as a party. On June 26, 2013, OAH sent Student a Notice Concerning Parties Named in the Complaint indicating that the District superintendent was an improper party to these proceedings and inviting Student to file a supplemental request with supporting authority. On June 27, 2013, Student filed a supplemental request to name the superintendent as a party. On June 27, 2013, the District filed an opposition. Student's request to name the superintendent will be addressed in a separate order.

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 AND ORDER

Motions for reconsideration require the moving party to show new facts or law which brings the appropriateness of the prior order into question. Here, Student alleges no new facts, circumstances, or law in support of the request for reconsideration. Student simply states that his complaint is compliant with the law and the complaint filing process should be "lay-person friendly."[2] Student further alleges that he is being forced to hire an attorney, that the District is attempting to delay the hearing process,[3] and that he is filing a grievance with the State. Since no new facts, circumstances, or law in support of the request for reconsideration have been shown, Student's request for reconsideration is Denied.

IT IS SO ORDERED.

Dated: July 5, 2013

/s/
THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings

[2] Student is referred to the OAH website at www.dgs.ca.gov/oah where a guide to understanding due process hearings can be found after clicking the "Special Education" tab, and then clicking "Understanding Special Education Due Process Hearings."

[3] The parties filed a joint request for continuance on June 27, 2013. This request will be addressed in a separate order.