BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

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| In the Matter of:<br><br>PARENT ON BEHALF OF STUDENT,<br><br>v.<br><br>BERKELEY UNIFIED SCHOOL DISTRICT. | OAH Case No. 2017050289<br><br>ORDER DENYING MOTION FOR RECONSIDERATION |

On June 19, 2017, the undersigned administrative law judge issued an order granting District's motion to dismiss this case. Later on June 19, 2017, Student filed additional documents in support of his opposition to District's motion to dismiss that were not filed in time for the ALJ to consider the documents prior to issuing her order dismissing the case. The ALJ is therefore treating Student's additional documents as a motion for reconsideration.

District filed an opposition to Student's motion to dismiss on June 21, 2017.

## 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

Student has failed to show any new or different facts, circumstances, or law justifying reconsideration of the order granting District's motion to dismiss. Student asserts that his additional documentation supports his contention that the parties did not enter into a valid settlement agreement on or about August 2, 2016. Student's documents show that the parties engaged in post-settlement discussion regarding the terms of their agreement. However, the documents submitted by Student confirm that both of Student's parents signed the agreement on August 2, 2016. None of Student's documents demonstrate that the parties entered into a subsequent agreement that superseded the agreement signed by Parents on August 2, 2016.

Student has failed to state adequate grounds to grant reconsideration. His motion for reconsideration is denied.

ORDER

Student's motion for reconsideration is denied.

DATE: June 28, 2017

DocuSigned by:
Darrell Lepkowsky
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DARRELL LEPKOWSKY
Administrative Law Judge
Office of Administrative Hearings