BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

WALNUT CREEK SCHOOL DISTRICT.

OAH CASE NUMBER 2023030308

# ORDER DENYING REQUEST FOR RECONSIDERATION

APRIL 24, 2023

On April 11, 2023, the undersigned Administrative Law Judge, called an ALJ, issued an order finding Student's amended due process hearing request, called an amended complaint, sufficiently pleaded. On April 14, 2023, Walnut Creek School District filed a motion for reconsideration of that ruling on its notice of insufficiency.

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, generally within 10 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.)

Walnut Creek offers no new facts, circumstances, or law to support reconsideration. Instead, it argues that the ALJ incorrectly read the facts and issues alleged in the amended complaint and disregarded relevant authority in finding the amended complaint sufficiently pleaded. Walnut Creek argued originally, and argues again, that Student's allegations regarding an exception to the statute of limitations should be deemed insufficient because other alleged facts appear to be contrary.

The facts alleged in the complaint and relevant authority were considered in the original ruling, are not new, and do not support a request for reconsideration.

To the extent Walnut Creek contends that the undersigned ALJ misunderstood the facts and issues alleged in the amended complaint or misapplied the law concerning the sufficiency of a complaint, that is not a basis for reconsideration, but for seeking review, if and to the extent available.

The motion for reconsideration is denied. All dates set in this matter are confirmed.

IT IS SO ORDERED.

*Alexa Hohensee*

Alexa Hohensee
Administrative Law Judge
Office of Administrative Hearings