BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

PERRIS UNION HIGH SCHOOL DISTRICT.

OAH CASE NUMBER 2024050265

ORDER DENYING REQUEST FOR RECONSIDERATION

JULY 1, 2024

On June 18, 2024, the Office of Administrative Hearings, called OAH, issued an Order of Dismissal granting Student's Request to Withdraw his Complaint Without Prejudice in the above-entitled matter. On June 26, 2024, Perris Union High School District filed a Motion for Reconsideration of Dismissal Without Prejudice. OAH did not receive a response from Student.

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.)

Perris Union offers no new facts, circumstances, or law to support reconsideration. Perris Union argues that Student's complaint should be dismissed with prejudice as Parent has no standing to bring the complaint on behalf of Student, an unconserved adult. Student previously filed a similar complaint three months earlier in OAH Case No. 2024020343 which challenged Parent's standing to bring the complaint on behalf of Student. Student withdrew that complaint three days prior to hearing. Student filed the above-entitled complaint utilizing the same Assignment of Education Rights as used in the first complaint. Perris Union again challenged Parent's standing. Student withdrew the above-entitled complaint the day before hearing,

As stated in Perris Union's motion, the issue of Parent's standing was scheduled as the first issue to be determined at hearing, specifically because the issue required a factual determination. OAH cannot now make a unilateral factual determination that Student lacks capacity to assign his education rights to Parent without hearing. Student withdrew his case prior to any such determination of capacity.

Perris Union has presented no authority to establish that there is a limit to how many times a student may file and refile or amend his complaint. While Student's actions wasted the time, energy, and funds of not only Perris Union, but also of OAH, Student's may refile and withdraw his complaint without prejudice without question of his motivation for doing so.

Further, Perris Union filed its Motion for Reconsideration six business days after dismissal, and OAH did not retain jurisdiction over Student's complaint.

Perris Union has not established the June 18, 2024 Order should be reconsidered. The motion for reconsideration is denied.

IT IS SO ORDERED.

Judith Pasewark

Judith Pasewark

Administrative Law Judge

Office of Administrative Hearings