BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021060260

ORDER DENYING REQUEST FOR RECONSIDERATION

JUNE 21, 2021

On June 16, 2021, the undersigned Administrative Law Judge, called an ALJ, issued an order denying Santa Monica-Malibu Unified School District's Motion to Dismiss Student's Request for Due Process Hearing based on statute of limitations. On June 18, 2021, Santa Monica-Malibu filed a Motion for Reconsideration. Student did not file a response to the Motion for Reconsideration.

The Office of Administrative Hearings, called 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.)

Santa Monica-Malibu's motion argues that in denying its Motion to Dismiss, OAH failed to take into account OAH's precedent of ruling on motions to dismiss regarding statute of limitations and Congress' intent regarding statute of limitations in special education cases. Specifically, Santa Monica-Malibu disputes OAH's position in the June 16, 2021 ruling, that it cannot grant motions to dismiss regarding statute of limitations without a due process hearing.

Santa Monica-Malibu offers no new facts, circumstances, or law that warrant reconsideration of the June 16, 2021 Order Denying Motion to Dismiss. While prior OAH rulings and decisions can be persuasive, they do not set a precedent for future rulings. In making the June 16, 2021 ruling, OAH considered Student's Request for Due Process Hearing, Santa Monica-Malibu's Motion to Dismiss, Student's opposition to the Motion to Dismiss, relevant special education laws and procedure, and prior OAH rulings regarding statute of limitations. After doing so, OAH denied Santa Monica-Malibu's Motion to Dismiss. Santa Monica-Malibu has not established that OAH's June 16, 2021 Order should be reconsidered. Therefore, the Motion for Reconsideration is denied. The case will proceed as scheduled.

IT IS SO ORDERED.

Tara Doss

Tara Doss
Administrative Law Judge
Office of Administrative Hearings