

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

DOWNEY UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2011040762

ORDER DENYING REQUEST FOR
RECONSIDERATION

On September 22, 2011, the Office of Administrative Hearings (OAH) granted the District's motion to continue hearing dates, and set the following dates in the case: a mediation for October 11, 2011, a prehearing conference for December 7, 2011, and a due process hearing for December 13, 14 and 15, 2011. On October 4, 2011, Parent filed with OAH a request to reconsider this order of continuance.

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. (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.)

Parent has not made this showing. Parent is advised that mediation is voluntary, so that Parents do not need to attend the scheduled mediation in this case. Parent is further advised that he can agree with the District upon mutually agreeable hearing dates in the case, and OAH will honor that agreement. The motion for reconsideration is denied.

IT IS SO ORDERED.

Dated: October 05, 2011

/s/

TIMOTHY L. NEWLOVE
Presiding Administrative Law Judge
Office of Administrative Hearings