

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

FAIRFIELD SUISUN UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2012030917

ORDER DENYING REQUEST FOR  
RECONSIDERATION

On September 19, 2012, the undersigned administrative law judge issued an order that granted in part the parties' joint request to continue the pending Prehearing Conference (PHC) and denied their request to continue the due process hearing dates. On September 21, 2012, Student filed a request for reconsideration, which provided additional information as to Parent's unavailability to consider the parties' pending settlement agreement. The Fairfield Suisun Unified School District did not submit a response.

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 AND ORDER

While Student alleges new facts, circumstances, or law in support of the request reconsideration, they are insufficient at the moment to warrant continuing the PHC, scheduled for September 26, 2012, and hearing, scheduled for October 1 – 4, 2012. As Parent returned to California on September 20, 2012, the information provided did not

indicate that significant difficulties existed in finalizing the settlement agreement. Accordingly, Student's request for reconsideration is denied without prejudice. Student may raise again the continuance request at the September 26, 2012 PHC.

IT IS SO ORDERED.

Dated: September 24, 2012

/s/

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PETER PAUL CASTILLO  
Administrative Law Judge  
Office of Administrative Hearings