

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

TWIN RIVERS UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2011020840

ORDER DENYING REQUEST FOR
RECONSIDERATION

On August 26, 2011, the undersigned administrative law judge issued an order that denied in part the parties joint request for a continuance. The parties requested that the Office of Administrative Hearings (OAH) vacate the hearing dates of August 29, through September 1, 2011, and schedule new dates to permit the parties to finalize settlement. The August 26, 2011 order vacated the hearing date of August 29, 2011, and confirmed the remaining hearing dates. On August 26, 2011, Student's counsel, Steven H. Berniker, filed a request for reconsideration, stating that because he thought that the matter had settled, other than obtaining Parent's signature, that he had not responded to the District's pending motion to dismiss nor continued hearing preparations. The District has not filed a response.

APPLICABLE LAW

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.)

DISCUSSION AND ORDER

Student alleges no new facts, circumstances, or law in support of the request reconsideration because Student should have continued to prepare for hearing until Parent had signed the agreement. Further, the August 18, 2011 Prehearing Conference Order stated, "Dates for hearing will not be cancelled until the letter of withdrawal or signature page of the signed agreement has been received by OAH. If an agreement in principle is reached, the parties should plan to attend the scheduled hearing unless different arrangements have been

agreed upon by the assigned ALJ.” If the matter has not settled by the start of hearing on August 30, 2011, the parties should be prepared for hearing. Parties have the right to renew a motion for a continuance, provided good cause is shown at that time.

Accordingly, Student’s request for reconsideration is denied.

IT IS SO ORDERED.

Dated: August 26, 2011

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings