

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

MONROVIA UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2011070821

ORDER DENYING REQUEST FOR  
RECONSIDERATION AND DENYING  
REQUEST FOR TRIAL SETTING  
CONFERENCE

On August 30, 2011 the undersigned administrative law judge issued an order, served on the parties on August 31, 2011 by OAH, denying without prejudice District's motion to dismiss the complaint for failure to participate in a resolution session. All dates were vacated and a new scheduling order issued. On September 1, 2011, Student's attorney filed an opposition to District's motion, and also filed a request for reconsideration on behalf of Student.

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

Here, Student's attorney requests that the undersigned ALJ consider her late-filed opposition for purposes of rebuttal of District's arguments. Her motion for reconsideration requests OAH to set a trial setting conference based upon her unavailability on the hearing date now set. Student alleges no new facts, circumstances, or law in support of the request reconsideration and therefore Student's request for reconsideration is denied.

Student's request for a trial setting conference is denied. The hearing date shall remain on calendar. The parties may file with OAH a joint request signed by both parties for a continuance and for additional hearing dates and shall include mutually agreed upon proposed dates.

IT IS SO ORDERED.

Dated: September 2, 2011

/s/

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ADRIENNE L. KRIKORIAN  
Administrative Law Judge  
Office of Administrative Hearings