

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

LONG BEACH UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2012030126

ORDER DENYING REQUEST FOR  
RECONSIDERATION

On April 9, 2012, the undersigned administrative law judge issued an order that denied Long Beach Unified School District's (District) Motion to Dismiss for Parents purportedly not participating in the resolution session. On April 10, the District filed a request for reconsideration. Student 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

The District alleges no new facts, circumstances or law in support of the request reconsideration. The District's primary assertion is that Parents, on instruction from their legal counsel, attended the resolution session with no intention of 'participating' in the meeting. However, the District's request for reconsideration does not address the legal issue in April 9, 2012 order that 'participation' for purposes of a resolution sessions means 'attendance.' The District's request for reconsideration only provides additional facts as to Parents' plan not to consider any offer the District might make at the resolution session, and not the legal issue of the definition of 'participation' for purposes of a resolution session. Accordingly, the District has provided no new facts, circumstances or law in support of

reconsideration of the April 9, 2012 order, and therefore the request for reconsideration is denied.

IT IS SO ORDERED.

Dated: April 11, 2012

/s/

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PETER PAUL CASTILLO  
Administrative Law Judge  
Office of Administrative Hearings