

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

RIALTO UNIFIED SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NO. 2012050064

ORDER DENYING REQUEST FOR  
RECONSIDERATION

On August 10, 2012, the Office of Administrative Hearings (OAH), through the undersigned Administrative Law Judge, granted Student's Emergency Request for a Continuance in order to permit Student to receive appropriate representation in the case. Currently pending in the matter is a prehearing conference set for September 10, 2012, and a due process hearing set for September 17 through 20, 2012. On August 13, 2012, counsel for the Rialto Unified School District filed with OAH a Request for Reconsideration of Order Granting Continuance. The Request references the extremely frustrating conduct of Student's prior advocate and the fact the OAH did not wait three days in order to permit the District to oppose the Emergency Request for Continuance, and implies that the continuation dates are not convenient for the District. Counsel for Student has not filed a response to the Request for Reconsideration.

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, the Request for Reconsideration confirms that Student did not receive adequate representation from his prior advocate, and that Student was not prepared to defend himself at the previously scheduled due process hearing. Accordingly, the Request for Reconsideration is denied. In the event that the continuation dates are not convenient for the District, then District counsel should work with Student's counsel to determine mutually convenient hearing dates, or submit a request for continuance to OAH.

IT IS SO ORDERED.

Dated: August 22, 2012

/s/

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