

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

TEMECULA VALLEY UNIFIED
SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2012110273

ORDER DENYING MOTION FOR
RECONSIDERATION

On November 26, 2012, the parties appeared for a Prehearing Conference (PHC). The PHC was recorded. The undersigned administrative law judge heard argument on Student's opposed motion to continue the due process hearing at the PHC and issued an Order Following Prehearing Conference denying Student's motion on the grounds Student failed to demonstrate good cause for a continuance. On November 29, 2012, Student filed a motion for reconsideration.

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.) Here, Student's request for reconsideration is not based upon new or different facts or law and is not accompanied by a sworn declaration by Student's counsel. Instead, Student again seeks to continue the due process hearing to February 4, 2012, reiterating arguments made at the PHC and suggesting the matter might resolve "within the next week" by settlement. However, a belief that a matter may settle before hearing does not amount to a showing of different facts, circumstances, or law justifying reconsideration. Moreover, if, as represented by Student's counsel, settlement could be achieved by execution of documents and no further negotiation is needed, then there is more than adequate time to do so prior to hearing. Accordingly, Student's motion for reconsideration is denied.

IT IS SO ORDERED.

Dated: November 30, 2012

/s/

MARIAN H. TULLY
Administrative Law Judge
Office of Administrative Hearings

