

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SEQUOIA UNION HIGH SCHOOL
DISTRICT.

OAH Case No. 2015020856

ORDER DENYING REQUEST FOR
RECONSIDERATION

On June 29, 2015, the undersigned administrative law judge issued an order denying Sequoia Union High School District's peremptory challenge of Administrative Law Judge Theresa Ravandi on the grounds that the request was untimely, as ALJ Ravandi had previously conducted a prehearing conference in the matter on April 17, 2015. On June 29, 2015, Sequoia filed a request to reconsider.

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, Sequoia alleges that reconsideration is warranted because ALJ Ravandi did not "reach the merits of any substantive issue" during the PHC of April 17, 2015, and that the PHC consisted "solely" of the granting of a request to continue. These are not new facts or circumstances, as these facts were known to Sequoia when it filed its peremptory challenge; nor is there any new law cited in support of the request for reconsideration.

Regardless of Sequoia's failure to meet the threshold for a reconsideration, the record shows that the ALJ appropriately called the PHC on the record, and the parties were on notice the PHC had begun. It was in the confirming of the dates, consistent with matters that are discussed at a PHC, that the request to continue was raised. The request to continue is a

motion, a proper subject of a PHC, and was ruled upon during the PHC. Contrary to Sequoia's assertion, ALJ Ravandi conducted a PHC on April 17, 2015, and ruled upon a substantive issue – dates for the hearing. Accordingly, the request to reconsider is denied.

IT IS SO ORDERED.

DATE: June 29, 2015

/s/

BOB N. VARMA
Division Presiding Administrative Law Judge
Office of Administrative Hearings