

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

KERN COUNTY SUPERINTENDENT OF
SCHOOLS.

OAH Case No. 2015100716

ORDER DENYING REQUEST FOR
RECONSIDERATION

On November 20, 2015, the undersigned administrative law judge issued an order denying a request for continuance filed by Kern County Superintendent of Schools. On November 23, 2015, Kern County filed a motion for reconsideration. No opposition has been received.

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

Kern County alleges no new facts or law in support of the request reconsideration. The status of the case has not changed. Counsel has a due process hearing on calendar in OAH Case number 2015070782 on December 8, 9, 10 and 14, 2015. The due process hearing in this matter is calendared for December 9, 2015. The Prehearing Conference Order in case number 2015070782 is dated November 18, 2015, and was issued before the Order Denying Kern County's Request for Continuance. Student's counsel continues to be non-responsive to Kern County's reasonable attempts to obtain agreed dates for a first continuance. The Motion for Reconsideration does not present anything new.

As the previous Order stated, the possibility that counsel will be involved in other OAH matters at future dates is not good cause for a continuance. If OAH case number

2015070782 goes forward on December 8, 2015, Kern County may request a continuance based upon the unavailability of counsel at that time.

Accordingly, Kern County's Motion for Reconsideration is denied. All dates and timelines shall proceed as calendared.

IT IS SO ORDERED.

DATE: November 30, 2015

/s/

MARIAN H. TULLY
Administrative Law Judge
Office of Administrative Hearings