

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

GARDEN GROVE UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2011080592

ORDER DENYING STUDENT'S  
REQUEST FOR RECONSIDERATION

On December 21, 2011, the Office of Administrative Hearings (OAH) granted the motion brought by the Garden Grove Unified School District (District) to continue the hearing dates in this case. The continued hearing dates are a prehearing conference set for January 30, 2012, and a due process hearing set for February 6, 7, 8 and 9, 2012.

On December 23, 2011, Parents, on behalf of Student, filed with OAH a Request for Reconsideration of OAH Order Granting Request for Continuance of Due Process Hearing/ Request for Continuance of Due Process Hearing at Earlier Dates. In this motion, Parents seek an order moving the hearing dates in the case to January 4, 5, 6, 9 and 10, 2012.

On December 27, 2011, counsel for the District filed with OAH an opposition to the request for reconsideration. In this response, District counsel states that the District is not available for hearing on the dates requested by Parents. On December 28, 2011, Parents filed with OAH response to the District opposition. In the response, Parents suggest different options for hearing dates in the month of January 2012.

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, Parents set forth no new or different facts which require a change in the OAH order granting the District's request for continuance, and setting the due process hearing in early February 2012. These hearing dates do not represent an excessive delay in the proceedings, and will ensure that all witnesses are available for the hearing.

Accordingly, Student's request for reconsideration is denied.

IT IS SO ORDERED.

Dated: December 29, 2011

/s/

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