BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

BELLFLOWER UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2019120212

ORDER DENYING MOTION FOR RECONSIDERATION

On January 21, 2020, Student filed with the Office of Administrative Hearings, referred to as OAH, a Motion to Continue the due process hearing in this case. On January 24, 2020, OAH issued an order denying Student's motion because it was untimely; was not supported by a declaration signed under the penalty of perjury, to establish good cause for why the motion was filed late; and it failed to establish good cause for the continuance. On January 27, 2020, Student filed a Motion for Reconsideration with supporting declarations from Student's attorney and the attorney's legal assistant.

APPLICABLE LAW

OAH 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, generally within ten days. (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

Student offers no new or different facts, circumstances, or law that justify reconsideration of the January 24, 2020 Order. Instead, Student expresses disagreement with the prior Order. Although the Motion for Reconsideration includes supporting declarations to explain why the Motion to Continue was filed late, and offers a new argument to support the continuance request, it fails to explain why Student did not include the supporting declarations and the new argument in the original motion. The facts and argument Student now offers were available when Student filed the Motion to Continue, and should have been offered at that time. Moreover, Student's disagreement with the prior Order does not justify reconsideration.

ORDER

Student's Motion for Reconsideration is denied. The due process hearing will proceed as scheduled on January 28, 2020.

IT IS SO ORDERED.

DATED: January 27, 2020

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Tara Doss
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Tara Doss
Administrative Law Judge
Office of Administrative Hearings