BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: STUDENT, v. LINCOLN UNIFIED SCHOOL DISTRICT.	OAH Case No. 2014071052 ORDER DENYING REQUEST FOR CONTINUANCE; DENYING REQUEST FOR RECONSIDERATION; DENYING REQUEST FOR ORAL ARGUMENT; AND, DENYING GENERIC OPPOSITION TO FUTURE MOTIONS

On November 21, 2014, Parent, as authorized representative of Student, filed a single page document entitled as a motion for continuance; motion for extra time to fine an attorney or advocate, which is in essence a request to continue; motion for reconsideration of stay put order; motion for oral argument on all motions; and an opposition to all motions filed by Lincoln Unified School District. On November 25, 2014, Lincoln filed an opposition.

APPLICABLE LAW

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) The Office of Administrative Hearings considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

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. (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

The entirety of student's factual assertions, legal authority and argument is contained in two sentences, "He/we have a right to a fair hearing, and to question witnesses. He/we have rights to safe guards and procedures [sic] rights." The motion provides no facts that would constitute good cause for a continuance. Student provides no facts, let alone new facts to support the request for reconsideration. Student's motions lack any facts from which one could reasonably extrapolate any factual or legal argument in support of any of the motions. Finally, Student's generic statement that he opposes all motions filed by Lincoln is so vague that it warrants no consideration. All of Student's motions contained in the single page document filed with OAH on November 21, 2014 are denied. If Student wishes to oppose any motion filed by Lincoln in this case, Student must file a specific opposition to that specific motion.

IT IS SO ORDERED.

DATE: December 2, 2014

/s/

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