BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

SELMA UNIFIED SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NUMBER 2025040745

ORDER DENYING REQUEST FOR RECONSIDERATION

MAY 14, 2025

On the morning of May 14, 2025, approximately one hour before the fifth calendared hearing day, and second to proceed, Parent filed a motion to continue with the Office of Administrative Hearings, called OAH, until the afternoon based on illness. Approximately one hour later, Parent filed a second motion to continue the hearing for an unspecified period of time based on emotional and medical challenges regarding her son. Due to the delay between when a motion is filed with the OAH Secure File Transfer system and when it appears in the system, the undersigned Administrative Law Judge, called an ALJ, received Parent's first motion approximately ten minutes prior to the commencement of hearing but did not receive the second motion before going on the record.

Parent briefly appeared at the hearing, and the ALJ notified Parent that he had received one motion and that he would address it. However, Parent left the hearing after about two minutes, prior to the undersigned hearing from Selma Unified before ruling on the motion. In its response to the motion, Selma Unified notified the undersigned ALJ that Parent had filed a second motion to continue. Selma Unified opposed both motions on the record. The undersigned took a short recess to locate the second motion and consider both motions.

Upon reconvening, Parent remained absent. The undersigned ALJ heard Selma Unified's further opposition to Parent's motions. The undersigned ALJ stated on the record that he would also have heard argument from Parent and solicited additional information from Parent, given the brevity and generality of both motions, had Parent remained present. The undersigned ALJ denied both motions on the record as good cause was not established to continue the hearing to the afternoon for the first motion or for an unspecified period of time for the second motion. Good cause was also not established as to the late filing of either motion. The hearing continued and Parent remained absent.

Subsequently, Parent filed a third document on May 14, 2025 titled: Objection to Hearing Without Parent. The undersigned ALJ reviewed this document during the lunch break on May 14, 2025 and addressed it on the record during the afternoon portion of the hearing. In this document, Parent contends she did not abandon the hearing and objects to it continuing in her absence. The undersigned ALJ deemed this a motion for reconsideration. Selma Unified reiterated its opposition to Parent's motions on the record. Parent remained absent from the hearing. The undersigned ALJ denied Student's motion for reconsideration as Parent provided no new facts or law warranting

reconsideration. This written Order confirms the oral ruling of the undersigned ALJ made on May 14, 2025.

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, 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

As set forth above, Parent offers no new facts, circumstances or law in its motion to support reconsideration. Parent was given the option to attend the hearing, but decided not to, which is her right on behalf of respondent. It is also noted that Parent drafted and filed the third document after leaving the hearing. As stated on the record by the undersigned ALJ, Parent is welcome to continue to attend the hearing and represent Student. The undersigned is willing to consider requests for extended or multiple breaks. However, as noted in the original ruling, good cause for the continuances was not established.

ORDER

Student has not established that the May 14, 2025 rulings denying Student's motions to continue should be reconsidered. The motion for reconsideration is denied. All dates set in this matter are confirmed.

The parties are on notice that simply filing a motion for continuance does not guarantee an outcome.

ORDER

All dates set in this matter are confirmed.

IT IS SO ORDERED.

Daniel Senter

Daniel Senter
Administrative Law Judge
Office of Administrative Hearings