BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

PAJARO VALLEY UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2022050705

ORDER DENYING REQUEST FOR SECOND RECONSIDERATION

JULY 8, 2022

On May 19, 2022, Parents on behalf of Student filed a due process hearing request with the Office of Administrative Hearings, called OAH, naming Pajaro Valley Unified School District as respondent. OAH set the due process hearing for July 6 and 7, 2022.

On June 13, 2022, Pajaro Valley Unified School District, called Pajaro Valley, requested a due process hearing continuance for August 9, 2022, or later due to counsel and witness unavailability. On June 20, 2022, the undersigned administrative law judge issued an order granting a short due process hearing continuance to July 19, 20, and 21, 2022 for counsel unavailability.

On June 24, 2022, Pajaro Valley filed a motion for reconsideration and requested a due process hearing continuance August 9, 2022, with the witness declaration and vacation itinerary attached that had not been presented in the original motion. On June 30, 2022, the undersigned granted the request for reconsideration but denied the request for continuance finding good cause was not established for the requested continuance.

On July 5, 2022, Pajaro Valley filed a motion titled "Pajaro Valley Unified School District's Motion For Reconsideration Order Denying Motion to Continue" which essentially requests OAH to reconsider its June 30, 2022 order granting reconsideration and denying a due process hearing continuance a second time. Pajaro Valley asserted for the first time that more witnesses are unavailable for the hearing. On July 7, 2022, Student filed opposition to Pajaro Valley's second request for reconsideration of the hearing dates and Pajaro Valley replied the same day.

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 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.)

Here, Pajaro Valley is asking OAH to reconsider its denial of a due process hearing continuance. The undersigned has denied Pajaro Valley's request twice by ruling on the original motion for continuance on June 20, 2022, and its motion for reconsideration on June 30, 2022. Now, Pajaro Valley asks OAH to reconsider its order

granting reconsideration and denying the motion for continuance again. Pajaro Valley failed to establish grounds for reconsideration.

Pajaro Valley's motion for a second reconsideration is improper and denied. Because the undersigned denied reconsideration, no determination was made regarding the independent grounds for a continuance that Pajaro Valley asserted in its motion.

IT IS SO ORDERED.

Cynthia Fritz

Cynthia Fritz
Administrative Law Judge
Office of Administrative Hearings