BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

SAN MARCOS UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021120803

ORDER DENYING REQUEST FOR RECONSIDERATION

MARCH 10, 2022

On February 25, 2022, the undersigned Administrative Law Judge issued an Order Following Prehearing Conference Granting Continuance and Setting Prehearing Conference and Hearing. On March 3, 2022, San Marcos filed a Motion for Reconsideration, requesting that the undersigned ALJ reconsider the February 25, 2022 order setting the hearing in this matter to March 22, 23, and 24, 2022, based on information of counsel's unavailability for hearing on those dates. The Office of Administrative Hearings did not receive a response from Student.

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

San Marcos offers no new facts, circumstances or law to support reconsideration. San Marcos cites two previously filed OAH cases in which San Marcos' counsel is representing to support its claim that counsel is unavailable. One of those cases, asserted as new information to support reconsideration, is unidentifiable, as the case number referenced is erroneous. The other case was discussed and considered in the February 25, 2022 order. San Marcos has therefore failed to offer any new facts or circumstances to support reconsideration.

ORDER

San Marcos has not established the February 25, 2022 order should be reconsidered. The motion for reconsideration is denied. All dates set in this matter are confirmed.

IT IS SO ORDERED.
Rita Defilippis

Rita Defilippis
Administrative Law Judge
Office of Administrative Hearings