BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. SAN RAMON VALLEY UNIFIED SCHOOL DISTRICT.	OAH CASE NO. 2013060441 ORDER DENYING REQUEST FOR RECONSIDERATION

On July 26, 2013, the undersigned administrative law judge issued an order after prehearing conference (PHC), continuing the PHC and due process hearing (hearing) dates in this matter. On August 6, 2013, Student filed a motion for reconsideration asking that the new dates for the PHC and hearing remain but that his initial opposition to the District's motion to continue be made part of the record. The San Ramon Valley School District has not filed a response to the motion.

APPLICABLE LAW

The Office of Administrative Hearings (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 District filed a motion to continue on July 22, 2013. Student filed an opposition to the motion to continue being heard at the PHC on July 25, 2013. Student now claims he filed an earlier opposition to the motion to continue on substantive grounds on July 23, 2013. The motion to reconsider this matter is denied. Student is not requesting that the order continuing the case be reconsidered and wants to proceed on the rescheduled dates. Therefore, Student is not actually asking that the order of July 26, 2013 be reconsidered.[1]

[1] Student claims that he sent OAH his substantive opposition to the District's motion to continue on July 23, 2013. However, OAH has no record of receiving this document on

Student has also asked that the original opposition to the motion to continue on substantive grounds be included in the record. Student sent a new copy of this opposition to OAH on August 7, 2013. Student is advised that all documents sent to OAH are retained as part of the official record kept by OAH and no specific order is necessary for this to occur.

Accordingly, Student's request for reconsideration is denied and all dates in this matter will proceed as scheduled.

IT IS SO ORDERED.

Dated: August 12, 2013

/s/
MARGARET BROUSSARD
Administrative Law Judge
Office of Administrative Hearings

this date and Student's own proof of service, provided to OAH, shows that the opposition was sent to the District and not to OAH.