BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

CLOVIS UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2023020131

ORDER DENYING CLOVIS UNIFIED SCHOOL DISTRICT'S REQUEST FOR RECONSIDERATION

MARCH 29, 2023

On March 21, 2023, the undersigned Administrative Law Judge issued an Order Granting Request for Reconsideration and Granting Motion to Continue Due Process Hearing as to Clovis Unified School District. Amongst other orders made, the Order continued the non-expedited prehearing conference and due process hearing. On March 24, 2023, Clovis Unified School District filed Clovis Unified School District's Request for Reconsideration of OAH Order. The Office of Administrative Hearings, called OAH, 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

Clovis' request offers no new facts, circumstances or law to support reconsideration. Clovis requested OAH re-establish its order vacating the hearing dates for the non-expedited hearing and extend the time by which this matter will be dismissed to 90-120 days after the district's scheduled board meeting. Clovis' request for reconsideration is denied.

The provision for vacating due process hearing dates pending board approval and setting an automatic dismissal date is limited to that circumstance. In that case, there is a date certain provided for the board meeting. The instant case doesn't meet that criteria. Here, the settlement is contingent not on board approval alone but on execution of the minor's compromise. Accordingly, the process of automatically vacating hearing dates is not available. However, to accommodate the parties' desire to settle the matter without a hearing, OAH considered Student's request for reconsideration as a motion to continue which is the only available vehicle in this instance to vacate the existing hearing dates. Should the minor's compromised be

approved, Student can request the matter be dismissed and the hearing dates will be vacated at that time.

ORDER

Clovis has not established the March 21, 2023 Order should be reconsidered. The motion for reconsideration is denied. All dates set in this matter are confirmed.

IT IS SO ORDERED.

Marlo Nisperos

Marlo Nisperos
Administrative Law Judge
Office of Administrative Hearings