BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. LONG BEACH UNIFIED SCHOOL DISTRICT .	OAH Case No. 2018051105 ORDER DENYING REQUEST FOR RECONSIDERATION

On June 21, 2018, Student filed a First Amended Complaint. On June 26, 2018, Long Beach Unified School District filed: 1) a Notice of Insufficiency; and 2) a Motion to Dismiss First Amended Complaint in Part.

The administrative record reflects a telephone call from the office of Student's attorney on June 26, 2018. OAH was informed that Student's attorney was out of the office and unable to respond to the NOI until July 2, 2018, and requested an extension of time to respond to District's NOI until July 2, 2018. As OAH is required to issue an Order determining the sufficiency of a complaint within 5 calendar days, and to determine sufficiency based upon the four corners of complaint itself, OAH denied the telephonic request for continuance. OAH informed all parties that Student's request for additional time to file a written response to District's NOI was denied. On June 27, 2018, OAH issued an Order determining the complaint sufficient.

The administrative record further reflects that Student timely filed an opposition to District's motion to dismiss on July 2, 2018. As OAH allows time for the parties to respond to motions to dismiss, and Student filed opposition yesterday, the motion to dismiss has yet to be ruled upon.

On July 2, 2018, Student filed a motion for reconsideration of OAH's denial of request for one day extension to file opposition to the motion to dismiss.

APPLICABLE LAW AND DISCUSSION

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. (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.)

Student alleges no new facts or law to reconsider an order that has not been issued.

ORDER

Student's Motion for Reconsideration is denied.

IT IS SO ORDERED.

DATE: July 03, 2018

DocuSigned by:
Marian H. Tully
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MARIAN H. TULLY
Presiding Administrative Law Judge
Office of Administrative Hearings