BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

MAGNOLIA SCIENCE ACADEMY-SANTA ANA.

OAH CASE NUMBER 2023040504

ORDER DENYING REQUEST FOR RECONSIDERATION

MAY 30, 2023

On May 23, 2023, the undersigned Administrative Law Judge issued an Order Following Prehearing Conference Denying Request for Continuance. On May 24, 2023, Student filed a motion for reconsideration of the order. The Office of Administrative Hearings did not receive a response from Magnolia Science Academy–Santa Ana.

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 10 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.)

Student's motion for reconsideration was timely filed and supported by a declaration under penalty of perjury. However, Student offers no new facts, circumstances, or law to support reconsideration of the denial of Student's request for a continuance. In both her request for continuance and motion for reconsideration, Student states that on April 12, 2023, Parent injured her foot, causing her great discomfort and requiring medical treatment. Additionally, Parent continues to explain she is a caregiver for several family members and feels overwhelmed and unprepared to represent Student in a due process hearing. These circumstances do not constitute good cause for a continuance, especially as Student has been asserting the same issues against Magnolia since her complaint of May 20, 2022, and Student has failed to bring any new facts, circumstances, or law to support reconsideration.

ORDER

Student has not established the May 23, 2023 Order should be reconsidered. The motion for reconsideration is denied. All dates set in this matter are confirmed.

Cararea Lucier

Cararea Lucier
Administrative Law Judge
Office of Administrative Hearings