BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2023010786

ORDER DENYING REQUEST FOR RECONSIDERATION

March 28, 2023

On March 17, 2023, the Office of Administrative Hearings issued an order granting Los Angeles Unified School District's motion for a continuance. The Order granted Los Angeles its requested hearing start date of April 4, 2023. On March 23, 2023, Los Angeles filed a motion for reconsideration seeking a different hearing start date of April 11, 2023. On March 23, 2023, Student opposed. For the reasons stated below, the motion is denied. The April 4, 2023 hearing start date remains as scheduled.

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.)

Los Angeles offers no new facts, circumstances or law to support reconsideration. Los Angeles bases its request on a spring recess from March 31, 2023-April 7, 2023, a fact that it knew at the time it made its original motion and which its motion specifically referenced when seeking the April 4 start date. As such, Los Angeles has not presented any new facts or law justifying reconsideration. Moreover, the existence of a spring break does not constitute good cause for a continuance as it does not in and of itself establish that any witnesses are unavailable nor unable to be subpoenaed for hearing.

ORDER

Los Angeles has not established the March 17, 2023 Order should be reconsidered. The motion for reconsideration is denied. All dates set in this matter are confirmed.

IT IS SO ORDERED.

June Lehrman

June Lehrman
Administrative Law Judge
Office of Administrative Hearings