BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

SAN MARCOS UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021010236

ORDER DENYING REQUEST FOR RECONSIDERATION OF ORDER GRANTING STUDENT'S MOTION TO AMEND

APRIL 16, 2021

On April 9, 2021, the undersigned Administrative Law Judge, referred to as ALJ, issued an order granting Student's motion to amend her due process complaint. Subsequently, on April 9, 2021, San Marcos filed an opposition to Student's motion to amend, which Office of Administrative Hearings, referred to as OAH, considers a motion for reconsideration. OAH did not receive a response from Student.

APPLICABLE LAW

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, 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

San Marcos offers no new facts, circumstances, or law to support reconsideration. San Marcos opposes Student's motion to amend for the sole reason that it disagrees with the new dates set for hearing.

On April 9, 2021, the undersigned ALJ issued an order granting Student's motion to amend and provided that OAH would set new hearing dates. Subsequently OAH's April 9, 2021 scheduling order set new dates for hearing. San Marcos opposes dates set for hearing in the scheduling order. San Marcos offers no new facts, circumstances, or law relating to the underlying motion to amend.

The proper remedy for seeking a change in hearing dates is to meet and confer with opposing counsel and file a joint request for continuance accompanied by a declaration stating good cause for the continuance.

ORDER

San Marcos has not established the April 9, 2021 order granting Student's motion to amend should be reconsidered. The motion for reconsideration is denied. All dates set in this matter are confirmed.

IT IS SO ORDERED.

Cole Dalton

Cole Dalton
Administrative Law Judge
Office of Administrative Hearings