BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. TEHACHAPI UNIFIED SCHOOL DISTRICT.	OAH Case No. 2018070708 ORDER DENYING REQUEST FOR RECONSIDERATION

By order dated September 11, 2018, the undersigned administrative law judge denied as untimely and without merit Student's motion to find Tehachapi Unified School District's response to Student's first amended complaint insufficient.

On September 18, 2018, Student filed a motion for reconsideration of that ruling, entitled "Respondent's [*sic*] Motion for Default Judgment or in the Alternative that the District be Estopped from Asserting a Defense to Allegations not Answered, or a Continuance Pending an Answer by the District to the Claims in Petitioner's First Amended Complaint." On September 18, 2018, District filed an opposition.

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. (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

Student's motion alleges no new facts, circumstances, or law in support of the request for reconsideration. It repeats the same arguments Student made in her original motion at the prehearing conference of September 10, 2018, and attaches correspondence written after the PHC restating Student's position. Student's arguments and evidence were considered in the original ruling, are not new, and do not support a request for reconsideration.

In addition, the PHC order of September 10, 2018, expressly required, at paragraph 9, that any motion filed after the PHC be supported by a declaration of good cause as to why the motion was not made at least three days prior to the PHC of September 10, 2018. Student counsel's four-line declaration merely states that (i) she is a licensed attorney, (ii) the managing partner of her firm, (iii) is familiar with the facts in her declaration, and (iv) those facts are within her personal knowledge. The declaration does not contain any facts surrounding the circumstances of the motion, or explain why it was untimely made.

To the extent Student contends that the undersigned ALJ misapplied the law concerning a school district's obligation to respond to due process hearing requests, that is not a basis for reconsideration, but for seeking review, if and to the extent available.

For the reasons stated above, Student's motion for reconsideration is denied.

IT IS SO ORDERED.

DATE: September 21, 2018

DocuSigned by:
Alexa Hohensee
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ALEXA J. HOHENSEE
Administrative Law Judge
Office of Administrative Hearings