

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SPENCER VALLEY ELEMENTARY
SCHOOL DISTRICT.

OAH Case No. 2014030842

ORDER DENYING REQUEST FOR
RECONSIDERATION

On June 16, 2014, the undersigned Administrative Law Judge (ALJ) issued an Order Following the Prehearing Conference (PHC) of June 16, 2014; Denying Exclusion of Evidence Without Prejudice; Granting Parent on behalf of Student's (Student) Motion for Reconsideration, and; Granting Student's Request for Change of Hearing Venue (the Order).¹ On June 23, 2014, the Spencer Valley Elementary School District (District) filed a motion for clarification of the Order with regard to the change of the hearing venue, which will be addressed as a motion for reconsideration of the Order. Student has not yet opposed District's motion for reconsideration.

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 AND ORDER

District alleges no new facts, circumstances, or law in support of the request reconsideration. District reasserts that it is capable of accommodating Student's representative's hearing impediment.² However, the District alleged these same facts during the PHC.

¹ The Office of Administrative Hearings issued the Order on June 18, 2014.

² During the PHC, the ALJ took Student's request for change of venue under submission, and formally ruled on the request in the Order.

Accordingly, District's request for reconsideration is denied.

IT IS SO ORDERED.

DATE: June 23, 2014

/s/

PAUL H. KAMOROFF
Administrative Law Judge
Office of Administrative Hearings