

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

ELK GROVE UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2015010203

ORDER DENYING REQUEST FOR
RECONSIDERATION

On February 24, 2015, the undersigned administrative law judge issued an order denying Student's motion to continue the due process hearing scheduled to begin on February 26, 2015. On February 25, 2015, Student filed a motion for reconsideration of that ruling. On February 25, 2015, over Elk Grove Unified School District's objection, this ALJ granted reconsideration of the order denying Student's motion to continue, granted a one-day continuance, and ordered the due process hearing to commence on Friday, February 27, 2015. On February 26, 2015, Student filed another motion for reconsideration and motion to continue the February 27, 2015, hearing date. The basis for the request for reconsideration was that Mr. Leemhuis, Student's attorney of record, is not able to travel from southern California after his previously scheduled court appearance to northern California to start a hearing the following day. Elk Grove filed an opposition to the motion for reconsideration and requests that the matter proceed tomorrow 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. (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

The logistics and challenges associated with traveling to northern California to start a due process hearing one day after appearing in southern California in another matter were considered as part of the underlying ruling granting the one-day continuance. Accordingly,

Student alleges no new facts, circumstances, or law in support of the second request for reconsideration.

ORDER

1. The second request for reconsideration is denied.
2. This matter will commence tomorrow, February 27, 2015, at 9:30 a.m.

IT IS SO ORDERED.

DATE: February 26, 2015

/s/

JOY REDMON
Administrative Law Judge
Office of Administrative Hearings