

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SOQUEL ELEMENTARY SCHOOL
DISTRICT AND SANTA CRUZ COUNTY
OFFICE OF EDUCATION.

OAH Case No. 2015060923

ORDER DENYING REQUEST FOR
RECONSIDERATION

On July 24, 2015, during the prehearing conference in this matter, the undersigned Presiding Administrative Law Judge granted Soquel Elementary School District's and Santa Cruz County Office of Education's request for continuance. That request was opposed by Student. After the prehearing conference, on July 24, 2015, Student filed a motion to reconsider the order granting continuance. Student generally claims that the motion was required to be served on him in writing, that the unavailability of the witnesses upon which the order was granted did not constitute good cause in his opinion, and that the respondents did not follow the California Rules of Court when they requested the continuance.

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

Student provides no new or different facts, circumstances or law, which justify reconsideration. Although the respondents had filed the motion to continue with OAH in writing, the motion was heard orally at the PHC and Student was given an opportunity to respond. The California Rules of Court, cited by Student, are not applicable to special education due process hearings.

Finally, Student alleged no new facts regarding the reasons underlying the continuances, and instead, seems to disagree with the undersigned's analysis. None of this is a basis for reconsideration, and, as such, the motion is denied.

IT IS SO ORDERED.

DATE: July 31, 2015

/s/

MARGARET BROUSSARD
Presiding Administrative Law Judge
Office of Administrative Hearings