

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

MANHATTAN BEACH UNIFIED
SCHOOL DISTRICT.

OAH Case No. 2018110292

ORDER DENYING REQUEST FOR
RECONSIDERATION

On April 10, 2019, Administrative Law Judge Adrienne L. Krikorian issued an Order Denying a Request for Continuance. On April 11, 2019, Student exercised a Peremptory Challenge to ALJ Krikorian and filed a Motion for Reconsideration of the Order Denying the Request for Continuance. On April 11, 2019, the undersigned Presiding Administrative Law Judge granted Student's peremptory challenge. The undersigned has reviewed the Order Denying the Motion for Continuance and the Motion for Reconsideration. The request for reconsideration is denied.

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.)

Student claims the independent educational evaluation and Long Beach's agreement to fund the independent educational evaluation predate the date Student filed the complaint. That said, the April 23, 24 and 25, 2018, hearing dates currently on calendar were agreed upon by the Parties and OAH granted their request for those days on December 19, 2018.

The Motion for Reconsideration proffers Parents' prepaid vacation for a period of time in June and July 2019, and Manhattan Beach's break from June 14, 2019 to August 2019 as new facts to support reconsideration. There is no explanation as to why this information was not provided to ALJ Krikorian in the Request for Continuance. In any event, events that may happen from June to August, do not constitute different facts or circumstances justifying reconsideration of the Order Denying a Request for Continuance of hearing dates in April.

Accordingly, Student's request for reconsideration is denied.

IT IS SO ORDERED.

DATE: April 11, 2019

DocuSigned by:
Marian H. Tully
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MARIAN H. TULLY
Presiding Administrative Law Judge
Office of Administrative Hearings