

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

GLENDORA UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2018110712

ORDER DENYING REQUEST FOR
RECONSIDERATION

On April 9, 2019, Parent on behalf of Student filed a request to continue the dates in this matter with the Office of Administrative Hearings, based upon a very serious family emergency involving her father's health. Parent requested a short continuance to the end of May 2019 to care for her father until another family member was available. Glendora opposed the request arguing the request was untimely, the continuance would prejudice Glendora because the dates requested are near the end of the school year and the continuance would prejudice Student because Student has not been in school. Presiding Administrative Law Judge Marian Tully granted the request to continue on April 9, 2019, setting the hearing for May 21-23, 2019. On April 12, 2019, Glendora filed a request for reconsideration accompanied by a declaration by its attorney.

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

Here, Glendora argues that on May 21, 2019, the school district is involved from 11:00 a.m. to 1:00 p.m. in a school wide event. Glendora asserts that two witnesses on both parties' witness lists are involved in the school-wide event. Glendora also asserts that on May 23 and 24, 2019, other school-wide events are planned that involve school district staff and administrators who may be called as witnesses. Glendora did not include this detailed

information in its opposition to the original request for continuance, and does not explain why it did not do so. Glendora asserts that it now does not oppose a continuance if the hearing is rescheduled to June 4-6, 2019. Glendora did not represent, however, that it discussed the proposed new dates with Parent.

Because the facts asserted in Glendora's Request for Reconsideration were known to Glendora at the time it filed its opposition to the original request for continuance, but were not disclosed in the opposition, Glendora has not established a basis for reconsideration. The motion for reconsideration is denied.

The parties are not precluded by this Order from meeting and conferring and filing a joint request to continue the hearing to the week of June 4 through 6, 2019, and the prehearing conference to five to 10 days before, on a Monday or Friday, providing they file a joint request to continue the dates signed by both parties.

IT IS SO ORDERED.

DATE: April 15, 2019

DocuSigned by:

Adrienne L. Krikorian

ADRIENNE L. KRIKORIAN

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Acting Presiding Administrative Law Judge
Office of Administrative Hearings