

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

CORONA-NORCO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024020560

ORDER DENYING REQUEST FOR RECONSIDERATION

APRIL 23, 2024

On April 23, 2024, the undersigned Presiding Administrative Law Judge issued a minute order denying the parties joint request to continue the due process hearing by one week to finalize a settlement agreement. As the matter was set to commence hearing that day, the hearing was trailed to 1:00 p.m. Thereafter, Student filed a Motion for Reconsideration. Further, Student erroneously sought to have the request brought, "directly to Division Chief Administrative Law Judge Peter Paul Castillo," due to the urgency in ruling. That request is denied as it was the undersigned's ruling that is now subject to 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, generally within ten days. (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 motion offers no new facts, circumstances, or law to support reconsideration. As the original order denying the joint request for continuance was done by minute order due to the timing, further context will be provided herein. The prehearing conference in this matter was conducted on April 12, 2024. The Order Following Prehearing Conference, issued on April 15, 2024, specifies, "If an agreement in principle is reached, the parties should plan to attend the scheduled hearing unless different arrangements have been agreed upon by the assigned ALJ...If the matter settles subject to board approval, in addition to a signed copy of the signature page of the settlement agreement, the parties must provide the date of the next board meeting. The hearing dates will not be cancelled without this information."

On April 19, 2024, at 2:36 PM, the parties filed a joint request to continue the matter by one week to, "allow for an efficient use of time and resources so that the parties and counsel may focus on finalizing the settlement agreement." The motion attaches email correspondence indicating Student accepted Corona-Norco's settlement offer on April 14, 2024. No cause was given as to why a settlement agreement could

not be finalized from April 14, 2024, before the hearing was scheduled to commence on April 23, 2024. Accordingly, good cause was not established to continue the matter.

The parties were on notice from the Order Following Prehearing Conference that despite a settlement, the hearing dates would not be vacated unless agreed upon by the assigned ALJ. The motion to continue was not filed until the Friday before the hearing. The assigned ALJ, Cynthia Fritz, was unavailable to rule on the joint request for continuance that day and the following business day. Accordingly, despite the clear instructions in the Order Following Prehearing Conference, when the motion was denied on the first day of hearing, it was trailed until the afternoon to give parties time to prepare. There should have been no expectation that the original joint request for continuance would be granted.

The Motion for Reconsideration also specifies that Student accepted Corona-Norco's 10-Day Statutory Offer, and by so doing, possess an "enforceable agreement with all issues before OAH resolved." Accordingly, nothing in this order prevents Student from dismissing the matter in writing or on the record. However, Student's attachment to the original motion states that the "parties are working on reducing the terms of the statutory offer to a written settlement agreement for the parties to sign and to then be reviewed by the Board of Trustees." The latter implicates the settlement pursuant to board approval process which also was addressed in ALJ Fritz' Order Following Prehearing Conference.

At no time did the parties receive an order granting a continuance or vacating dates. No explanation was given, or good cause established as to why the agreement could not be finalized in nine days. Additionally, Student argued in the Motion for Reconsideration the urgency of the matter because the continuance was not denied until the morning of hearing. However, Judge Fritz' Order put them on notice that

unless ordered otherwise, the matter remained on calendar and dates were not vacated. It was a courtesy that the matter was trailed. Student notes that the meeting invite, originally sent a week early, was cancelled and then reissued on April 23, 2024. The parties apparently equated the virtual invitation cancellation with an order cancelling the hearing. Such reliance was misplaced and inconsistent with the Order Following Prehearing Conference.

ORDER

No new facts or law were presented warranting reconsideration of the original denial of the Joint Request for Continuance. Student's Motion for Reconsideration is Denied.

IT IS SO ORDERED.

A handwritten signature in cursive script that reads "Joy Redmon".

Joy Redmon

Presiding Administrative Law Judge

Office of Administrative Hearings