BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

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| In the Matter of:<br><br>PARENT ON BEHALF OF STUDENT,<br><br>v.<br><br>YUBA CITY UNIFIED SCHOOL DISTRICT. | OAH Case No. 2017051407<br><br>ORDER DENYING REQUEST FOR RECONSIDERATION |

There is an ongoing due process hearing in this matter. On January 25, 2018, there was an in camera discussion on the record about a procedural matter among the attorneys for the parties and the undersigned administrative law judge. Following the in camera discussion, the ALJ went back on the record with everyone present, and continued the matter to February 12, 2018, and ordered no communication between the interpreter and all persons present.

On January 30, 2018, the undersigned ALJ issued an order that set a further evidentiary proceeding for February 12, 2018, concerning the matter discussed in the in camera session on January 25, 2018. On January 31, 2018, Student filed with the Office of Administrative Hearings, a request for clarification of the order, particularly as it pertained to the verbal no communication order of January 25, 2018. On February 5, 2018, the undersigned ALJ issued an order that clarified a previous order, and rescinded the verbal order that no one have contact with the interpreter.

On February 5, 2018, after the clarifying order had been issued, OAH received a response from Yuba City Unified School District to Student's request for clarification of a previous order. This response is determined to be a motion for reconsideration of the clarifying order.

## APPLICABLE LAW

OAH 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

In its motion for reconsideration, Yuba City asks that the ALJ, rather than rescinding the verbal order that parties have no communication with interpreter, restrict communication with the interpreter to service of a subpoena only. Yuba City alleges no new facts, circumstances, or law in support of the request reconsideration. Accordingly, the motion for reconsideration is denied.

## ORDER

Yuba City's motion for reconsideration is denied.

IT IS SO ORDERED.

DATE: February 7, 2018

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Rebecca Freie
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REBECCA FREIE
Administrative Law Judge
Office of Administrative Hearings