BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. ORINDA UNION SCHOOL DISTRICT.	OAH Case No. 2018070628 ORDER DENYING REQUEST FOR RECONSIDERATION

On August 2, 2018, Student filed a request for continuance of the prehearing conference and due process hearing in this matter. Orinda Union School District filed an opposition to the request on August 6, 2018. The undersigned ALJ then issued an order that denied Student's request for continuance on the same date.

On August 7, 2018, Student filed a reply to Orinda's opposition to his request for continuance. On August 8, 2018, Student filed a motion for reconsideration of the order denying his request for continuance on the ground that he was entitled to three days to respond to Orinda's opposition before the ALJ could rule on the request for 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

Student alleges no new facts, circumstances, or law in support of the request reconsideration. OAH makes an effort to provide a party three business days to respond to another party's motion for continuance. However, it is not required to do so. (Cal. Code Regs. tit. 1, § 1020.) There are no statutes or regulations that give a party any time to respond to the other party's response to his motion. If parties were entitled to have three

days to respond to a pleading filed with OAH before OAH could rule on a motion, they could make it impossible for OAH to timely rule on a motion simply by filing multiple responses to each other's responses. Student's motion for reconsideration is denied.

ORDER

Student's motion for reconsideration is **DENIED.**

DATE: August 9, 2018

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Rebecca Freie
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REBECCA FREIE
Administrative Law Judge
Office of Administrative Hearings