BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. FREMONT UNION HIGH SCHOOL DISTRICT.	OAH Case No. 2018090670 ORDER DENYING REQUEST FOR RECONSIDERATION

On November 13, 2018, the undersigned issued an order denying Student's peremptory challenge. On November 14, 2018, Student filed a motion to reconsider the order. Student asserts the law was misapplied because the hearing was continued and Student is entitled to exercise a peremptory challenge up to the time of the hearing. The hearing was continued to November 27, 2018.

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 alleges no new facts, circumstances, or law in support of the request reconsideration. The peremptory challenge was denied as untimely because it was filed after the prehearing conference in this matter convened. The fact that a second PHC was scheduled due to Student's failure to appear does not render the challenge timely. Accordingly, the request for reconsideration is DENIED.

IT IS SO ORDERED.

DATE: November 16, 2018

DocuSigned by:
Joy Redmon
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JOY REDMON
Presiding Administrative Law Judge
Office of Administrative Hearings