BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. TEHACHAPI UNIFIED SCHOOL DISTRICT.	OAH Case No. 2016111006 ORDER DENYING REQUEST FOR RECONSIDERATION AND ORDER CONTINUING HEARING

On January 6, 2017, the undersigned administrative law judge issued an order denying Student's request to change the venue of the hearing of this action from Tehachapi, California. On January 11, 2017, Student filed a request for reconsideration of that order. The Office of Administrative Hearing requested a response from District by close of business on January 11, 2017. District did not file a response.

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

Reconsideration

Student alleges no new facts, circumstances, or law in support of the request reconsideration. Instead, Student supplements the recitation of the facts provided in the original motion with additional details and declarations and disputes arguments made in District's opposition. Nothing appears in the request for reconsideration that did not and could not have been included in the original motion to change venue. Accordingly, Student's request for reconsideration is denied.

Counsel for Student includes with her motion a declaration from co-counsel Kelly Kaeser stating that he is unwilling to represent Parent at a hearing in Tehachapi.

Although both counsel have said they are unwilling to abandon the representation of their legally underserved clients in Tehachapi, both have said they are unwilling to appear for hearing in Tehachapi.

Continuance of Hearing

Accordingly, hearing in this matter is continued to January 24, 2017, at 9:30 a.m. and January 25, 2017 at 9:00 a.m. Hearing will be held at the office of the Tehachapi Unified School District. If counsel for Student will not appear at the continued hearing, counsel are to file a statement by Thursday, January 19, 2017, withdrawing from representation of Parent and make a formal continuance request for Student to find new legal representation.

IT IS SO ORDERED.

DATE: January 13, 2017

DocuSigned by:
Chris Butchko
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CHRIS BUTCHKO
Administrative Law Judge
Office of Administrative Hearings