BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: STUDENT, v. WEST SONOMA COUNTY UNION HIGH SCHOOL DISTRICT, and SANTA ROSA CITY SCHOOLS.	OAH CASE NO. 2013030058 ORDER DENYING DISTRICTS' REQUEST FOR RECONSIDERATION

On May 17, 2013, the undersigned administrative law judge (ALJ) issued an order granting Student's request for a continuance of the prehearing conference (PHC) and due process hearing (hearing) in this matter due to the serious illness of a family member of Student. West Sonoma County Union High School District (West Sonoma) and Santa Rosa City Schools (Santa Rosa) did not oppose this request for continuance, although they did indicate a preference for the dates to be rescheduled in September 2013.[1] The order granting Student's request for continuance set a new PHC date of August 12, 2013, and ordered that the due process hearing begin on August 20, 2013.

On June 3, 2013, the Districts filed a "request for continuance" of the new dates with the Office of Administrative Hearings (OAH), asking that the matter be set in September 2013. The ALJ is deeming this as a request for reconsideration of the previous order.[2]

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.)

[1] The two school districts will be referred to collectively as "the Districts."

[2] On June 12, 2013, Student filed a request to reschedule the hearing which is also considered to be a request for reconsideration, and will be ruled upon separately.

DISCUSSION AND ORDER

The Districts allege no new facts, circumstances, or law in support of the request reconsideration. In its nonopposition to Student's request for continuance, the Districts asked that new hearing dates be set in September 2013 so as to not conflict with the Districts' summer breaks and the potential unavailability of their employees as witnesses due to "planned vacations." However, no specifics were provided as to which specific witness or witnesses had planned vacations that would interfere with the hearing proceeding prior to September 2013. A school district's summer break does not in and of itself constitute good cause for a continuance.

The Districts are now asking that the August 2013 dates for the PHC and hearing be continued into September 2013, claiming that since both Districts will be resuming classes in mid-August 2013, it will be inconvenient for the Districts and their employees to be engaged in the due process hearing in the first two weeks after school has resumed. These facts were known by the ALJ when she made her previous order setting the August 2013 dates for the PHC and commencement of the hearing. Accordingly, because the Districts have alleged no new facts, circumstances, or law in support of the request reconsideration, the request is denied.

IT IS SO ORDERED.

Dated: June 12, 2013

/s/

REBECCA FREIE
Administrative Law Judge
Office of Administrative Hearings