BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. SAN JUAN UNIFIED SCHOOL DISTRICT AND SACRAMENTO COUNTY OFFICE OF EDUCATION.	OAH CASE NO. 2013010480 ORDER DENYING MOTION FOR RECONSIDERATION

On March 4, 2013, the undersigned Administrative Law Judge issued an order following prehearing conference (PHC order). The PHC order defined/framed the issues for determination at the due process hearing scheduled to begin on March 13, 2013. On March 5, 2013 and March 7, 2013, attorney Martha Millar, on behalf of Student (Student) filed a motion for reconsideration of the PHC order regarding the framing of the issues in the PHC order (motion). Neither San Juan Unified School District nor the Sacramento County Office of Education filed a response to the motion.

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 AND ORDER

Student's argument regarding the framing of the issues is unclear and not supported by facts or law. Also, Student's motion is not accompanied by a sworn declaration, and

alleges no new facts, circumstances, or law in support of the request for reconsideration. Accordingly, Student's motion for reconsideration is denied.[1]

IT IS SO ORDERED.

Dated: March 8, 2013

/s/
ADENIYI AYOADE
Administrative Law Judge
Office of Administrative Hearings

[1] At the beginning of the due process hearing, Student may bring up for discussion, with the hearing ALJ, any additional issues Student may have regarding the framing of the issues.