BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

RIVERSIDE UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2023040563

OAH CASE NUMBER 2023030599

OAH CASE NUMBER 2023050798

ORDER GRANTING REQUEST FOR RECONSIDERATION AND REAFFIRMING RULING

MAY 25, 2023

On March 17, 2023, Riverside filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2023030599, Riverside's Case, naming Student. On April 17, 2023, Student filed a Request for Due Process Hearing in OAH Case Number 2023040563, Student's First Case, naming Riverside. On April 21,2023, OAH consolidated Riverside's Case and Student's First Case, designated Student's First Case as the primary case, and adopted the timeline in Student's First Case as the timeline governing both cases.

On May 17, 2023, Student filed a second Request for Due Process Hearing in OAH Case Number 2023050798, Student's Second Case, naming Riverside. Also on May 17, 2023, Student filed a motion to consolidate his Second Case with Riverside's Case and Student's First Case. On May 24, 2023, the undersigned issued an order denying the second motion to consolidate. On May 25, 2023, Riverside filed a motion to reconsider that denial.

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, generally within ten days. (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

Riverside correctly contends that OAH did not have before it the District's non-opposition to the second motion to consolidate when it issued the May 24, 2023 ruling. The motion for reconsideration is granted.

On reconsideration, however, the ruling is affirmed. Riverside's motion to reconsider does not address either of the grounds on which the order being reconsidered was granted. It does not address the potential confusion inherent in having two different timelines and statute of limitations calculations for the two cases brought by Student, nor does it mention the fact that Student can accomplish his purpose by amending his complaint, which would eliminate the dangers of duplication

and waste that Riverside perceives. Riverside offers no persuasive reason why the ruling was incorrect.

All dates set in this matter are confirmed.

IT IS SO ORDERED.

Charles Marson

Charles Marson
Administrative Law Judge
Office of Administrative Hearings