BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS OF:

BAKERSFIELD CITY SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT,

OAH CASE NUMBER 2020010042

and

BAKERSFIELD CITY SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT,

OAH CASE NUMBER 2019120777

ORDER DENYING STUDENT'S REQUEST FOR RECONSIDERATION

APRIL 24, 2020

On April 23, 2020, the undersigned Administrative Law Judge issued an order that denied Bakersfield City School District's request that this matter proceed by way of in person hearing and not by videoconference, and granting in part its request to continue the hearing due to difficulties preparing for hearing because of the Covid-19 Safer at Home orders. On April 24, 2020, Student filed a motion for reconsideration, asserting that Bakersfield did not establish good cause for a continuance if it did indeed seek a continuance. On April 24, 2020, Bakersfield filed an opposition that asserts that it did seek a continuance in its prior motion that also sought to prevent the Office of Administrative Hearings, known as OAH, from convening a videoconference hearing. The same date, Student filed a responsive pleading.

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, 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

Student's motion for reconsideration strains to be credible in its contention that Bakersfield's prior motion failed to seek a continuance in this matter and does not offer any new facts, circumstances or law. to support reconsideration. Student's motion is more gamesmanship that an actual factual or legal argument, and fails to take into consideration the seriousness of the situation that all participants in OAH matters have

endured due to the Covid-19 pandemic. Further, the short continuance granted permits both parties to properly comply with new OAH procedures established earlier this week. Accordingly, Student's motion for reconsideration is denied. Subsequent motions of this nature by either party may subject that party to sanctions for bad faith and frivolous conduct.

ORDER

Student has not established that the April 23, 2020 Order should be reconsidered. The motion for reconsideration is denied. All dates set in this matter are confirmed.

IT IS SO ORDERED.

DocuSigned by:
Peter Paul Castillo
F0BCD8A6A62C4E9...

Peter Paul Castillo
Presiding Administrative Law Judge
Office of Administrative Hearings