

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN FRANCISCO UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2010060296

ORDER GRANTING REQUEST FOR
RECONSIDERATION

On December 1, 2010, the Office of Administrative Hearings (OAH) issued an order denying the parties' joint request for a continuance of this matter. On December 2, 2010, Lois Jones, advocate for Student, submitted a letter responding to the order, which is being treated as a motion for reconsideration.

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 AND ORDER

Student alleges new circumstances in support of the request for reconsideration. Student contends that his advocate was waiting at her phone at 10:30 a.m. on December 1, 2010, to participate in the prehearing conference. Student also alleges specific facts concerning efforts Student made in attempting to resolve this matter. As a result, reconsideration of the denial of the joint request for continuance is granted.

On reconsideration, the denial of the joint request for continuance is upheld. A scheduling order dated July 19, 2010, informed the parties that the prehearing conference would occur at 10:00 a.m. on December 1, not at 10:30 a.m.

Accordingly, the parties' joint request for a continuance is denied. The prehearing conference shall be held on December 6, 2010, at 1:30 p.m. Each party shall submit to OAH and the other party a prehearing conference statement complying with the scheduling order

dated July 19, 2010, no later than 2:00 p.m. on December 3, 2010. The hearing shall be held on December 8 and 9, 2010, at 9:00 a.m., and continuing as necessary.

IT IS SO ORDERED.

Dated: December 2, 2010

/s/

JUDITH A. KOPEC
Presiding Administrative Law Judge
Office of Administrative Hearings