

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PALOS VERDES PENINSULA UNIFIED
SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2010071059

ORDER GRANTING REQUEST FOR
RECONSIDERATION AND
CONTINUING HEARING DATES

On July 30, 2010, OAH issued an order denying a joint request for a continuance on the basis that the case was filed under the expedited provisions of law. The District seeks reconsideration asserting that their case was not filed under these provisions but instead seeks a determination that placement and services offered in April 2010 constituted a free appropriate public education.

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

Despite the fact that this case seems to have been erroneously opened under expedited provisions, this is the first mention that District has made of this error even though they had received a scheduling order formulated on this basis. Nevertheless, District's complaint does indeed assert regular FAPE allegations even though throughout the complaint there are facts concerning alternative placement and manifest determination provisions.

Accordingly, District's request for reconsideration is granted and the continuance is granted. All dates are vacated the following dates are set:

MEDIATION: 09/02/2010 at 9:30AM
PREHEARING CONFERENCE: 09/09/2010 at 1:30PM
DUE PROCESS HEARING: 09/14/2010 through 09/16/2010 (The Governor recently ordered state agency furloughs to resume on the second, third and fourth Fridays of each month; therefore September 17 is not an available hearing date)

IT IS SO ORDERED.

Dated: July 30, 2010

/s/

ANN F. MACMURRAY
Presiding Administrative Law Judge
Office of Administrative Hearings