

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

NEW HAVEN UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2014100357

ORDER GRANTING REQUEST FOR
RECONSIDERATION AND SETTING
PREHEARING CONFERENCE AND
DUE PROCESS HEARING

On January 7, 2015, the parties filed a request to continue the then current hearing dates in this matter. On January 7, 2015, the Office of Administrative Hearings granted the parties' request but set the matter on dates other than those requested by the parties. On January 22, 2015, the New Haven Unified School District filed a request to change the hearing dates due to unavailability of witnesses. On January 28, 2015, Student filed a statement of non-opposition. Accordingly, this is considered as a joint request for reconsideration by the parties.

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

Here, New Haven has provided additional facts supporting the unavailability of its witnesses for the currently calendared due process hearing dates. New Haven could not have anticipated that OAH would have set the dates it did when the parties filed their January 7, 2015 request for continuance.

Having considered the new facts, the parties request for reconsideration is granted. All prehearing and due process hearing dates are vacated. This matter is set as follows:

Prehearing Conference: March 20, 2015, at 1:00 PM
Due Process Hearing: March 31 – April 2, 2015, starting at 9:30 AM, and continuing day to day, Monday through Thursday.

IT IS SO ORDERED.

DATE: January 29, 2015

/s/

BOB N. VARMA
Presiding Administrative Law Judge
Office of Administrative Hearings