

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LODI UNIFIED SCHOOL DISTRICT.

OAH Case No. 2015030093

ORDER GRANTING REQUEST FOR
RECONSIDERATION AND
CONTINUING MEDIATION,
PREHEARING CONFERENCE AND
DUE PROCESS HEARING

On April 10, 2015, the undersigned Administrative Law Judge issued an order granting in part and denying in part a joint request for continuance. On May 13, 2015, Student filed a request for reconsideration. No response was received from Lodi Unified School District.

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

When the undersigned reviewed the joint request for continuance, it was noted that the parties were requesting a continuance of more than 90 days after April 23, 2015, the date the due process hearing was set to begin. Although the parties asked for a continuance of all dates to August and September 2015, no explanation was given as to why a continuance of more than 90 days was being requested and no good cause was shown. Accordingly, the continuance was not granted for the length of time requested.

In the request for reconsideration, Student's attorney declares that she has a prepaid vacation scheduled from July 7, 2015, through July 31, 2015. The hearing is currently set for July 20, 21, 22 and 23, 2015. The vacation plans were made before the undersigned ordered the continuance on April 10, 2015. This information was not included on the original joint

request for continuance because the attorney believed OAH would grant a continuance to the dates requested, and did not expect new dates to be set in July 2015. These new facts support reconsideration. Accordingly reconsideration is granted.

On reconsideration, the prepaid vacation of Student's attorney constitutes good cause for continuing dates in this matter.

ORDER

1. Mediation is set for August 25, 2015, at 9:30 a.m.
2. Telephonic prehearing conference is set for August 31, 2015, at 10:00 a.m.
3. The due process hearing shall begin on September 8, 2015, at 9:30 a.m., and shall continue on September 9, 10, 14, 15, and 16, 2015. If not completed on September 16, 2015, the hearing will continue day-to-day, Monday through Thursday, at the discretion of the ALJ.

DATE: June 24, 2015

/s/

REBECCA FREIE
Administrative Law Judge
Office of Administrative Hearings