BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. TORRANCE UNIFIED SCHOOL DISTRICT.	OAH Case No. 2015050922 ORDER RECONSIDERING AND REAFFIRMING DENIAL OF CONTINUANCE

On November 5, the undersigned administrative law judge issued an order denying District's request for a continuance. On November 9, 2015, District filed a motion for reconsideration. On November 10, 2015, Student opposed. As discussed below, District's additional facts have been considered but on reconsideration the prior denial of continuance is reaffirmed. This order is without prejudice, such that the parties are free to raise the question of a continuance and available dates before the hearing ALJ at the prehearing conference.

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

District states additional facts by declaration, namely that its Director of Special Education is "the only representative prepared to attend the hearing on behalf of the District" in this matter, and will be out of state during the scheduled hearing dates.

These facts, having now been considered, do not warrant a reversal of the denial of continuance. No detail is provided regarding the assertion that this individual is the only representative prepared to attend, nor about the reasons for the absence, nor whether other

individual representatives could be prepared in sufficient time, nor whether or how District would be prejudiced by proceeding in the absence of this particular representative, nor for the lateness of the submission of these facts. For these reasons, the denial of continuance is reaffirmed.

IT IS SO ORDERED.

DATE: November 10, 2015

/s/

JUNE R. LEHRMAN
Presiding Administrative Law Judge
Office of Administrative Hearings