

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENTS on behalf of STUDENT,

OAH CASE NO. 2010021041

v.

OAK PARK UNIFIED SCHOOL DISTRICT,

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OAK PARK UNIFIED SCHOOL DISTRICT,

OAH CASE NO. 2010030981

v.

PARENTS on behalf of STUDENT.

ORDER GRANTING MOTION FOR  
RECONSIDERATION AND MOTION  
TO CONTINUE

On March 29, 2010, the undersigned administrative law judge issued an order that granted the Oak Park Unified School District's (District) motion to consolidate and denied the motion to continue the consolidated cases. On March 31, 2010, the District filed a motion for reconsideration and requested that the Office of Administrative Hearings continue the hearing dates of April 19, 2010, through April 22, 2010. On April 5, 2010, Student filed an opposition to the motion.

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.)

A due process hearing must be held, and a decision rendered, within 45 days of receipt of the complaint, unless a continuance is granted for good cause. (Ed. Code, §§ 56502, subd. (f) & 56505, subd. (f)(1)(C)(3).)

## DISCUSSION AND ORDER

The District alleges new facts in support of the request for reconsideration and the unavailability of its legal counsel in support of its motion. The District's motion identifies the conflicts and adequately supports that the District's legal counsel is not available until May 24 through 27, 2010.

On reconsideration, the District has established good cause for the continuance by providing evidence that it is not available until the proposed dates. Accordingly, the District's request for reconsideration is granted, and its motion to continue is also granted. The Prehearing Conference in the consolidated cases shall be held on May 17, 2010, at 10:00 a.m. and the Due Process Hearing in the consolidated cases shall be held on May 24, 2010, through May 27, 2010, with the hearing beginning at 9:30 a.m. on the first day.

It is so ordered.

Dated: April 7, 2010

/s/

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PETER PAUL CASTILLO  
Administrative Law Judge  
Office of Administrative Hearings