BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

IRVINE UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2019100553

ORDER DENYING REQUEST FOR RECONSIDERATION AND AMENDING DUE PROCESS HEARING DATES

DECEMBER 14, 2020

On November 16, 2020, the undersigned Administrative Law Judge issued an order granting a continuance in this matter. On December 11, 2020, Irvine Unified School District, called Irvine, filed a motion for reconsideration. The Office of Administrative Hearings did not receive a response from Student.

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, generally within

10 days. (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.)

Here, Irvine filed the motion for reconsideration 25 days after the order granting continuance was issued. The information contained in Irvine's motion for reconsideration and accompanying declaration was known to it prior to the issuance of the November 16, 2020 order. Irvine failed to explain in its reconsideration motion the delay in filing. Thus, Irvine's motion for reconsideration is untimely and denied.

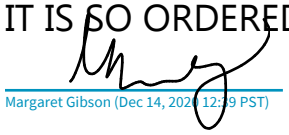
However, the due process hearing dates set in the November 16, 2021 order granting continuance are unavailable due to a statewide training. Thus, the due process hearing dates are vacated and reset as follows:

The due process hearing will be held on March 2, 3, and 4, 2021. The prehearing conference date of February 12, 2021 at 3:00 PM, remains on calendar.

PARTICIPANT INFORMATION SHEETS FOR THE PREHEARING CONFERENCES MUST BE FILED TWO BUSINESS DAYS PRIOR TO THE DATE OF THE SCHEDULED EVENT.

The hearing shall begin at 9:30 AM on all days unless otherwise ordered. The hearing shall continue day to day, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.



Margaret Gibson

Division Chief Administrative Law Judge

Office of Administrative Hearings