BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

BELLFLOWER UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2020020062

ORDER GRANTING REQUEST FOR RECONSIDERATION AND GRANTING REQUEST FOR CONTINUANCE

MARCH 11, 2020

On March 10, 2020, at 11:15 AM, the parties filed a joint request for continuance. No declaration was attached or referenced in the request and the proof of service does not mention any document other than the request. On March 10, 2020, at 3:00 PM, the undersigned Presiding Administrative Law Judge issued an order denying the parties' joint request for continuance on the grounds "unavoidable conflicts" did not constitute good cause and no evidence of facts and circumstances supporting good cause was submitted. After business hours on March 10, 2020, OAH received a declaration by counsel for Bellflower Unified School District filed in support of the request for continuance.

On March 11, 2020, Bellflower filed a motion for reconsideration supported by a declaration from counsel.

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 ten 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.)

DISCUSSION

The motion for reconsideration is granted. Counsel's declaration was filed after the Order Denying the Request was issued. If counsel's declaration had been filed with the request for continuance, not after the close of business, the request for continuance would have been granted because counsel's declaration established good cause for the continuance. Accordingly, the request for continuance is granted. All dates are vacated.

The prehearing conference is continued to April 10, 2020, at 10:00 AM.

The due process hearing is continued to May 5, 2020, through May 7, 2020. The hearing will begin at 9:30 AM on the first day and at 9:00 AM on all other days unless otherwise ordered.

IT IS SO ORDERED

DocuSigned by:
Marian H. Tully
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Marian H. Tully

Presiding Administrative Law Judge

Office of Administrative Hearings