BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. OAKLAND UNIFIED SCHOOL DISTRICT.	OAH CASE NO. 2014120167 ORDER GRANTING REQUEST FOR RECONSIDERATION AND DENYING REQUEST FOR CONTINUANCE

On April 3, 2015, the undersigned administrative law judge issued an order after a prehearing conference, in which a motion for continuance of an April 14, 2015 start date for hearing in this matter filed by Oakland Unified School District (Oakland) was denied. On April 6, 2015, Oakland filed a motion for reconsideration of the order denying the continuance.

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

In its request for reconsideration, Oakland has reiterated the same contentions it raised in its original request of April 1, 2015, and because they do not constitute new law or facts, they are not discussed herein. Oakland's only contention that could be considered a new fact or law is the assertion that OAH has changed a prior "policy" of allowing continuances when attorneys were set for multiple hearings. While the issue of multiple hearings was discussed and addressed in the prior order, out of an abundance of caution, OAH will grant reconsideration on these grounds.

Each request for continuance is examined on its own merits. As was set out in the April 3, 2015 order, the conflicting cases for Oakland were set following the setting of dates in this matter. In all three matters Oakland's attorneys consented to the dates. The alleged

unavailability of counsel due to multiple hearings was not created by any "policy" of OAH, but by Oakland's own counsel. Oakland's attorneys knowingly created their own conflicts and now seek a continuance from OAH. The contentions are not persuasive and the request for continuance is denied.

IT IS SO ORDERED.

DATE: April 7, 2015

/S/

REBECCA FREIE
Administrative Law Judge
Office of Administrative Hearings