BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

HEALDSBURG UNIFIED SCHOOL DISTRICT,

V.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NUMBER 2023030085

ORDER GRANTING REQUEST FOR RECONSIDERATION AND DENYING MOTION TO VACATE PRIOR ORDERS

APRIL 5, 2023

On March 15, 2023, Student's attorney filed a notice of representation and a request for continuance of the March 21, 2023 hearing. In the papers, Student claimed that the Office of Administrative Hearing, called OAH, improperly served Parent electronically without written consent. Student also requested that all prior OAH orders be vacated.

On March 22, 2022, OAH denied the motion to vacate on the grounds that any defect in service had been cured because the matter was continued to dates in April 2023, specifically April 7, 2023 for the prehearing conference and April 18 through 20, 2023 for the due process hearing.

On March 24, 2023, Student filed a Motion to Vacate OAH's prior orders, claiming that Student's prior filing was not a motion to vacate the prior orders and that the Administrative Law Judge misunderstood the prior filing. Student again argues that OAH improperly served Parent because Parent never agreed to electronic service. OAH did not receive a response from Healdsburg Unified.

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

Student offers new facts, circumstances, or law. to support reconsideration. Specifically, Student claims that the prior filing was not intended as a motion to vacate the prior filings and that it did not contain the supporting authority and declarations Student intended to rely upon. The motion for reconsideration is granted.

ORDER

On reconsideration, the motion to vacate the prior OAH orders is denied. Although OAH held the prehearing conference on March 13, 2023, OAH subsequently continued the prehearing conference and due process hearing to new dates in April 2023. In other words, both the prehearing conference and due process hearing

were rescheduled to new dates after the prehearing conference order was issued. This was exactly the relief Student sought on March 15, 2023, when it asked that the March 21, 2023 hearing be continued. Student fails to demonstrate how this rescheduling did not cure any alleged defect in the prior service of the scheduling order or the prehearing conference order.

In addition, OAH is concurrently issuing an order granting Student's request for consolidation such that the hearing in this case, OAH Case No. 2023030085, called District's Case, is now scheduled on the dates in Student's Case, OAH Case No. 2023040107. An entirely new Scheduling Order has also been sent to the parties in Student's Case setting the prehearing conference for May 15, 2023, and the due process hearing for May 23 through 25, 2023. As such, any alleged defect in service of the prior OAH orders in District's Case was cured or is otherwise moot. The motion to vacate is denied.

IT IS SO ORDERED.

Laurie Gorsline

Laurie Gorsline
Administrative Law Judge
Office of Administrative Hearings