BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. DIXIE ELEMENTARY SCHOOL DISTRICT.	OAH Case No. 2014110335 ORDER GRANTING REQUEST FOR RECONSIDERATION

On November 25, 2014, the undersigned administrative law judge issued an order granting Student's unopposed request for a continuance of the prehearing conference only, which was originally set to be heard on December 8, 2014. Mother asked that the PHC be held on Friday, December 12, 2014, due to her work schedule, and District asked that the PHC be held on December 5, 2014, due to its attorney's calendar conflict.

The ALJ misread the request for continuance, and believing the request was for a continuance of both the PHC and the hearing, she continued both to dates in March 2015. On November 25, 2014, Mother filed a request for reconsideration, and stated that she could rearrange her work schedule if necessary so the since it was important that the entire matter be heard in December 2014, due to Student's current circumstances.

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

On reconsideration, the ALJ has determined that Student was only requesting a different date for the PHC, and was not requesting a continuance of the entire matter. Accordingly, Student's request for reconsideration is granted. The PHC shall be set for

10:00 a.m. on December 5, 2014, and the initial hearing date of December 16, 2014, shall be reinstated.

IT IS SO ORDERED.

DATE: December 2, 2014

/s/

REBECCA FREIE
Administrative Law Judge
Office of Administrative Hearings