BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. TWIN RIVERS UNIFIED SCHOOL DISTRICT.	OAH Case No. 2014050836 ORDER GRANTING REQUEST FOR RECONSIDERATION

On November 10, 2014, the undersigned administrative law judge issued an order denying the parties' joint request for a continuance. On November 13, 2014, the parties filed a joint request for reconsideration that included a supplemental brief with new facts.

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

The motion was accompanied by a supplemental brief signed by the attorneys representing each party. In the supplemental brief, the parties provided the specific date for when the anticipated independent educational evaluation would be completed and the date for the newly scheduled IEP team meeting.

On reconsideration, these new facts establish exceptional good cause in this case for a brief continuance. The parties indicated that they attempted to have the IEE and IEP team meeting conducted by the date originally provided to the Office of Administrative Hearings but were not successful. In this case, it is determined that the need to complete the IEE and hold the IEP team meeting prior to proceeding with the due process hearing slightly outweighs the need to proceed on the currently scheduled dates. This matter has been pending since May 2014. The parties are on notice that no further continuances will be granted to complete the IEE or conduct the IEP team meeting.

ORDER

1. The Motion for Reconsideration is Granted.
2. All dates currently on calendar are vacated.
3. This matter is set as follows:

Mediation on December 17, 2014, 9:30 AM – 4:30 PM

Prehearing Conference on December 29, 2014, at 1:00 PM

Due Process Hearing on January 6, 2015, 9:30 AM-5:00 PM and January 7-8, 2015, at 9:00 AM- 5:00 PM and day-to-day thereafter Monday through Thursday at the discretion of the Administrative Law Judge

IT IS SO ORDERED.

DATE: November 17, 2014

/S/

JOY REDMON
Administrative Law Judge
Office of Administrative Hearings