BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

OJAI UNIFIED SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NUMBER 2025070706

ORDER GRANTING REQUEST FOR RECONSIDERATION AND CONTINUANCE AND SETTING PREHEARING CONFERENCE AND HEARING

AUGUST 11, 2025

On August 1, 2025, the undersigned Administrative Law Judge issued an order granting Student's request for continuance due to the unavailability of Student's counsel due his representation in a matter filed before this matter and scheduled for hearing on the same dates. That order set hearing on August 26, 27, and 28, 2025.

On August 7, 2025, Student filed a motion for reconsideration based on new information of another previously filed case for which Student's counsel is representing at due process, which is scheduled for hearing on August 26, 27, and 28, 2025, making Student's counsel unavailable on the currently set dates for hearing in this matter.

On August 11, 2025, Ojai Unified School District opposed Student's request for reconsideration claiming that Student's asserted conflict was foreseeable and avoidable.

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 to support reconsideration. Since the undersigned ALJ's August 1, 2025, order, another earlier filed case was set for hearing on the same dates as those set for hearing in this matter. The motion for reconsideration is granted.

ORDER

On reconsideration, Student's request for continuance is granted based on Student's showing of Student's counsel's unavailability on the dates set in the undersigned ALJ's August 1, 2025, order due to his representation in a previously filed matter on the same dates. Earlier filed cases proceed to hearing before later filed cases when hearing dates conflict. However, Student did not provide any good cause for Student's request to continue this matter to September 16, 2025.

Ojai's argument that the conflict was foreseeable and avoidable are rejected as unpersuasive. Additionally, even if it was, a hearing date conflict between this matter and a previously filed case, remains.

Accordingly, all previous dates are vacated. The new dates are:

PREHEARING CONFERENCE will be held on August 25, 2025, at 3:00 PM.

DUE PROCESS HEARING will be held on September 3 and 4, 2025.

The mediation, prehearing conference, and due process hearing will be held by videoconference or telephone, unless otherwise ordered. The due process hearing will begin at 9:30 AM on all days, and generally end at 3:30 PM, unless otherwise ordered. The hearing will continue day to day, as needed, Mondays and Fridays included, at the discretion of the Administrative Law Judge. Prehearing conference statements and motions are due to OAH no later than three business days before the prehearing conference. Late motions will only be considered if good cause is established for the late filing.

The parties must immediately give potential witnesses the hearing dates, and must subpoena witnesses, if necessary, so they are available to testify. Failing to properly notify or subpoena a witness is not good cause to delay the hearing.

IT IS SO ORDERED.

Rita Defilippis

Rita Defilippis
Administrative Law Judge
Office of Administrative Hearings