

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SPENCER VALLEY ELEMENTARY
SCHOOL DISTRICT.

OAH CASE NO. 2014030842

ORDER GRANTING REQUEST FOR
RECONSIDERATION AND DENYING
REQUEST FOR SPECIFIC HEARING
DATE

On May 12, 2014, the Office of Administrative Hearings issued an order rescheduling the prehearing conference and hearing after the parties filed a waiver of the resolution session for the amended complaint. The prehearing conference is now scheduled for May 30, 2014, and the hearing is scheduled for June 4 and 5, 2014, and continuing as needed at the discretion of the Administrative Law Judge.

On May 12, 2014, Student filed a “Notice of Unavailability for Dates Unilaterally Set for Hearing,” which is being treated as a motion for reconsideration of OAH’s May 12, 2014 order. Student requests that the hearing be scheduled to begin on June 24, 2014.

Student’s attorney states that she will be unavailable until June 24, 2014, and requests that OAH schedule the hearing on that date. She filed a declaration under penalty of perjury in support of the request.

APPLICABLE LAW

OAH 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.)

Student submitted additional facts. While no explanation was given for not submitting these facts in connection with the original request for a specific hearing date, out of an excess of caution, reconsideration is granted.

As fully detailed in OAH’s May 12, 2014 order, the prehearing conference and hearing dates were moved forward because the parties jointly agreed to waive the resolution

session and mediation for Student's amended complaint. In order to comply with the governing timeline for decision, OAH denied the request for a specific date and scheduled the matter accordingly. Unless a request for continuance is granted, the prehearing conference and hearing will proceed as scheduled.

DISCUSSION AND ORDER

Student's request for consideration of OAH's May 12, 2014 order is granted. After reconsideration, Student's request that the hearing be scheduled to begin on June 24, 2014, is denied. All dates remain as scheduled in OAH's May 12, 2014 order.

DATE: May 19, 2014

/s/

JUDITH A. KOPEC
Division Presiding Administrative Law Judge
Office of Administrative Hearings