

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

v.

LARKSPUR-CORTE MADERA SCHOOL
DISTRICT,

OAH Case No. 2019020163

LARKSPUR-CORTE MADERA SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2019020610

ORDER GRANTING REQUEST FOR
RECONSIDERATION AND
RESCHEDULING DUE PROCESS
HEARING DATES

On March 1, 2019, the undersigned issued an order granting a request for mediation and continuing the due process hearing dates. On March 6, 2019, Larkspur-Corte Madera School District filed a motion for reconsideration seeking to have the prehearing conference and due process hearing dates returned to the originally scheduled dates. Larkspur-Corte Madera's counsel also established unavailability on the continued hearing dates.

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

Reconsideration

Larkspur-Corte Madera asserts counsel unavailability on the currently ordered due process hearing dates. Additionally, the undersigned reviewed the case history and notes

here an inadvertent error. The mediation date requested and ordered was in close proximity to a previously scheduled prehearing conference date. The undersigned failed to note that a different order granting consolidation ordered the prehearing conference to commence on April 15, 2019, rather than March 25, 2019. The undersigned's order advanced rather than extended the due process hearing dates.

Accordingly, Larkspur-Corte Madera's request for reconsideration is GRANTED.

Motion to Reset Hearing Dates

On reconsideration, the undersigned did not intend to advance hearing dates but to have dates scheduled to accommodate mediation, a prehearing conference, and due process hearing dates with sufficient time between. Accordingly, the request to reset the hearing to the previously scheduled dates is GRANTED.

ORDER

1. Motion for Reconsideration is Granted.
2. The matter is now set as follows:

Mediation: March 18, 2019, at 9:30 AM

Prehearing conference: April 15, 2019, at 3:00 PM

Due process hearing: April 23, 2019, at 9:30 AM, April 24-25, 2019, at 9:00 AM, and continuing day to day thereafter as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: March 6, 2019

DocuSigned by:

Joy Redmon

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JOY REDMON

Presiding Administrative Law Judge
Office of Administrative Hearings