

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

DUBLIN UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024070605

ORDER GRANTING REQUEST FOR RECONSIDERATION
AND DENYING REQUEST FOR CONTINUANCE

SEPTEMBER 18, 2024

On September 9, 2024, the undersigned Administrative Law Judge issued an order granting the parties' joint request for mediation and denying the parties' request for continuance. On September 17, 2024, the parties filed a Request for Reconsideration and Rescheduling of Initial Hearing Dates to Permit Mediation on June 19, 2024.

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

The title of the parties' request for reconsideration does not accurately represent the original order as the parties were granted their request for mediation on September 19, 2024. The date of June 19, 2024, appears to be a mistake. However, the Parties offered new facts to support reconsideration. The parties cited the burden of having to file prehearing conference statements before the mediation, as well as other facts of additional workload stemming from filing deadlines in a different case filed by Student. The parties contend that such workload burdens will interfere with the parties' ability to focus sufficient attention on resolving this matter in mediation. The motion for reconsideration is granted.

On reconsideration, the parties' request to grant a continuance of hearing dates to November, is denied. Nothing in the Parties' request for reconsideration provided good cause for a continuance of hearing.

A due process hearing must be conducted, and a decision rendered, within 45 days of receipt of the due process notice unless an extension is granted. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) Speedy resolution of the due process hearing is mandated by law and continuance of the hearing may be granted only upon a showing of good cause. (Ed. Code, § 56505, subd. (f)(3).) In ruling upon a motion for continuance, OAH is guided by the provisions found within the Administrative Procedure Act and the California Rules of Court that concern motions to

continue. (Cal. Code Regs., tit. 1, § 1020; Cal. Rules of Court, rule 3.1332.) Generally, continuances of matters are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

ORDER

None of the facts establish a conflict regarding the currently scheduled hearing dates, or other good cause, for a continuance. An attorney's workload, resulting in a need to multi-task, is not good cause for a continuance. All dates set in this matter are confirmed.

IT IS SO ORDERED.

Rita Defilippis

Rita Defilippis

Administrative Law Judge

Office of Administrative Hearings