BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

OAKLAND UNIFIED SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NUMBER 2020100428

ORDER GRANTING REQUEST FOR RECONSIDERATION AND SETTING PREHEARING CONFERENCE

DECEMBER 9, 2020

On December 8, 2020, the undersigned Administrative Law Judge issued an order following prehearing conference. On December 9, 2020, Student filed a motion to reconsider the order following prehearing conference. The basis of the request for reconsideration was that Student's counsel, Ms. Porter, unsuccessfully attempted to appear at the prehearing conference and was thereby unable to discuss, among other things, her request for a continuance of hearing. Oakland Unified School District's counsel, Mr. Mishook, confirmed on the record during the prehearing conference that Ms. Porter was briefly present before the prehearing conference and then left before the undersigned joined the virtual prehearing conference. On December 9, Oakland filed a

response opposing Student's request for reconsideration. On December 9, Student filed an amended request for reconsideration.

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 and circumstances to support reconsideration. Student's counsel established that she attempted to join the prehearing conference but due to a variety of factors, was not able to do so. The motion for reconsideration is granted.

ORDER

On reconsideration, a prehearing conference shall be convened on December 11, 2020, at 10:00 am, pacific standard time. Student's request for continuance will be discussed at the December 11, 2020, prehearing conference.

IT IS SO ORDERED.

Rita Defilippis

Rita Defilippis
Administrative Law Judge
Office of Administrative Hearings