BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PALM SPRINGS UNIFIED SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NUMBER 2025030012

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

MARCH 17, 2025

On February 28, 2025, Palm Spring Unified School District filed a Request for Due Process Hearing, also called a complaint with the Office of Administrative Hearings, called OAH, naming Parents on behalf of Student, as respondents. On March 12, 2025, the parties jointly requested a continuance.

On March 14, 2025, the undersigned Administrative Law Judge issued an order denying the parties' request for a continuance of the prehearing conference and hearing because no good cause was stated for the continuance. Later that same day, the parties jointly filed a motion for reconsideration of the order.

RECONSIDERATION REQUEST GRANTED

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.)

Here, the parties have included a statement from District counsel with new information, stating they have had to delay convening a resolution session due to Parent's schedule. It is represented that the parties have scheduled a resolution session for March 26, 2025, at 9:00 AM. The parties have requested that hearing be scheduled to begin on April 29, 2025, due to Palm Springs' spring break.

Although the parties have not explained why this information was not included in the original request for a continuance, the new information will be considered grounds for reconsideration and reconsideration is granted.

CONTINUANCE REQUEST GRANTED

OAH must conduct a due process hearing and render a decision 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. (20 U.S.C. 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).)

Here, counsel has represented that Parents are not available for resolution session until March 26, 2025. Although resolution session is required prior to hearing in student filed cases, resolution of matters prior to hearing is favored. 20 U.S. C. § 1415(f)(1)(B). Counsel's representation is accepted as an officer of the court despite the fact that the declaration was not attested to under oath. A district's scheduled holiday break does not constitute good cause for continuance absent evidence of a specific witness or participant inability to attend the hearing.

The request for continuance is granted. All previously scheduled dates are vacated. The new dates are:

PREHEARING CONFERENCE will be held on April 7, 2025, at 3:00 PM.

HEARING will be held on April 15, 16, and 17, 2025.

Prehearing conference statements and any motions are due three business days prior to the date scheduled for the prehearing conference. Participant information sheets for mediation and prehearing conferences must be filed two business days prior to the date of the scheduled event.

IT IS SO ORDERED.

Penelope Pahl

Penelope S. Pahl
Administrative Law Judge
Office of Administrative Hearings