BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

PAJARO VALLEY UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2022030182

ORDER GRANTING RECONSIDERATION, VACATING ORDER GRANTING CONTINUANCE, AND REINSTATING PREHEARING CONFERENCE AND DUE PROCESS HEARING DATES

APRIL 8, 2022

On April 7, 2022, the undersigned Administrative Law Judge issued an order granting Pajaro Valley Unified School District's request for a continuance of the due process hearing. On April 8, 2022, Student filed a motion for reconsideration. Due to the need to promptly reinstate the prehearing conference previously scheduled for Monday April 11, 2022, this Order is being issued before Pajaro Valley has an opportunity to respond to Student's motion for reconsideration. On April 7, 2022, Pajaro Valley notified the Office of Administrative Hearings, called OAH, it had become

aware Student's attorney did not receive notice of its motion to continue, but requested OAH not vacate the Order granting the motion.

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, 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 sufficiently proved his attorney did not receive notice of Pajaro Valley's motion to continue and therefore was not afforded the opportunity to provide OAH information relevant to determining whether there was good cause for a continuance. The motion for reconsideration is granted.

ORDER

On reconsideration, the order granting a continuance is vacated and the prehearing conference previously scheduled for Monday April 11, 2022, at 1:00 PM is reinstated. Pajaro Valley's motion to continue shall be heard during the prehearing conference. If Student wishes to submit additional documents or argument in response to Pajaro Valley's motion, Student must file a further response by 10:00 AM on Monday, April 11, 2022. All dates previously set in this matter are confirmed.

IT IS SO ORDERED.

Kara Hatfield

Kara Hatfield

Administrative Law Judge

Office of Administrative Hearings