BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2015111024
v.	ORDER SETTING BRIEFING SCHEDULE ON REQUEST FOR RECONSIDERATION
CASTAIC UNION SCHOOL DISTRICT.	

On December 28, 2015, the undersigned Presiding Administrative Law Judge issued an Order Denying Student's Second Request to Unexpedite Hearing.

On January 5, 2016, Student filed a Motion for Reconsideration addressed to the Division Presiding Administrative Law Judge, seeking oral argument.

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

The request for oral argument is denied, as is the request for the Division PALJ to reconsider the undersigned PALJ's order. However, Student's request for reconsideration of the December 28, 2015 Order is taken under submission by the undersigned, pending further briefing.

Briefs shall be simultaneous by both sides, no longer than 15 pages, and shall be due by close of business on Wednesday January 13, 2016. Briefs should cite any applicable legislative history or case law that may address: (a) the distinction Student contends exists between Student's allegations and an "appeal" pursuant to Section 1415 (k)(3); and (b) the non-applicability as Student's contends to his allegations, of the mandatory provisions of Section 1415 (k)(4)(B) which state: "the State or local educational agency shall arrange for

an expedited hearing, which shall occur within 20 school days of the date the hearing is requested and shall result in a determination within 10 school days after the hearing."

ORDER

1. The request for oral argument is denied.

2. The request that the Division Presiding Administrative Law Judge reconsider the December 28, 2015 Order, is denied.

3. Student's request for reconsideration of the December 28, 2015 Order is taken under submission.

4. Further briefing shall be due by Wednesday, January 13, 2016, at which time the matter shall be deemed submitted.

IT IS SO ORDERED.

DATE: January 7, 2016

/S/

JUNE R. LEHRMAN
Presiding Administrative Law Judge
Office of Administrative Hearings