BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

| | |
|---|---|
| In the Matter of: | |
| IRVINE UNIFIED SCHOOL DISTRICT, | OAH CASE NO. 2013110547 |
| v. | ORDER GRANTING MOTION FOR RECONSIDERATION AND FOR CHANGE OF VENUE |
| PARENT ON BEHALF OF STUDENT. | |

On February 10, 2014, a telephonic prehearing conference (PHC) was held before an Administrative Law Judge (ALJ) with the Office of Administrative Hearings (OAH). During the PHC, the Irvine Unified School District (District) requested that the hearing be changed to the District's Westwood Training Center located at 1 Liberty Way, Irvine, California 92620 (Westwood Training Center), which was granted. On February 21, 2014, the District filed a motion for change of hearing venue to the El Camino Real School, located at 4782 Karen Ann Lane, Irvine, CA (El Camino Real). The District's motion failed to describe any reason for the change of venue and was unsupported by a declaration establishing good cause as to why the motion was not made prior to or during the PHC of February 10, 2014. On February 24, 2014, the undersigned ALJ denied the District's motion.

On February 24, 2014, the District filed a second motion to change venue, which was treated as a motion for reconsideration.

On February 24, 2014, the undersigned ALJ convened a telephonic status conference to address the District's motion for reconsideration. Brian R. Sciacca, Attorney at Law, appeared on behalf of Parents on behalf of Student (Student). Tracy Petznick Johnson, Attorney at Law, appeared on behalf of the District.

## 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 AND ORDER

The District's motion for reconsideration was accompanied by a declaration which established good cause for why the motion to change venue was not made prior to or during the PHC of February 10, 2014; and established good cause for a change of venue. In its motion and during the status conference, the District asserted that the Westwood Training Center was no longer available for hearing, this information was not known to the District until February 21, 2014, and the El Camino Real venue, which is a shuttered school owned by the District, is a reasonable alternative to the Westwood Training Center. The Student did not oppose the change of venue.

For the foregoing reasons, the District's motion is GRANTED. The hearing shall take place at the El Camino Real School located at 4782 Karen Ann Lane, Irvine, CA 92604-2439.

IT IS SO ORDERED.

DATE: February 24, 2014

*/s/*
PAUL H. KAMOROFF
Administrative Law Judge
Office of Administrative Hearings