BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

IRVINE UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2019120864

ORDER DENYING REQUEST FOR RECONSIDERATION

On December 30, 2019, the undersigned Administrative Law Judge issued an order granting Student's motion to vacate hearing dates and set a briefing schedule. The motion was heard during the December 30, 2019 Prehearing Conference referred to as a PHC. Irvine Unified School District opposed the motion during the PHC but had not filed a written opposition, citing the lack of three days between the date Student filed her motion and the PHC.

On January 2, 2020, Irvine filed an opposition to Student's motion to vacate hearing dates and set a briefing schedule. Irvine's opposition reiterates arguments made on the record during the December 30, 2019 PHC. Irvine contends that "consideration of evidence that became available after the time period at issue is relevant and warranted." Irvine seeks an additional day of hearing to submit evidence that Student has received and continues to receive modified curriculum at Prentice School. However, Student's curriculum at Prentice School was described during the

underlying hearing and is already part of the administrative record. To the extent the opposition offers a prior OAH decision as additional legal authority not mentioned during the PHC, OAH considers the opposition a motion for reconsideration. The Office of Administrative Hearings did not receive a response from Student.

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

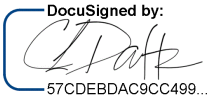
Irvine offers no new facts, circumstances, or law to support reconsideration. Irvine argues that OAH has the authority to order a hearing after remand, citing OAH Case No. 2011030557. OAH's authority to order a hearing following a remand is not in dispute. Merely citing a prior OAH case in which a hearing was held on a remanded matter does not demonstrate a hearing is appropriate in this case and is not new legal authority.

ORDER

Irvine has not established the December 30, 2019, Order should be reconsidered. The motion for reconsideration is denied. All dates set in this matter are confirmed.

IT IS SO ORDERED.

DATED: January 10, 2020



Cole Dalton
Administrative Law Judge
Office of Administrative Hearings