BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

ABC UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2023070073

ORDER DENYING MOTION FOR RECONSIDERATION

JULY 20, 2023

On July 14, 2023, the undersigned Administrative Law Judge, called an ALJ, issued an Order Granting Request for Videoconference Mediation and Continuance of Due Process Hearing. Such Order granted the parties' joint request to set a mediation for August 7, 2023, and granted a continuance of the hearing to October 3, 2023, through October 5, 2023, dates within 60 days of the mediation. The ALJ did not grant a continuance to the hearing dates requested by the parties, which were 71 to 73 days after the requested mediation date because the parties' joint motion failed to demonstrate good cause to set a hearing for dates later than 60 days after the requested mediation date.

On July 17, 2023, ABC Unified School District filed a letter, which the Office of Administrative Hearings, called OAH, is hereby treating as a Motion for Reconsideration

of the July 14, 2023 Order. OAH did not receive an opposition to that motion from Student.

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.)

The motion for reconsideration failed to provide new facts, circumstances or law to support reconsideration of the July 14, 2023 Order. To justify a hearing date more than 60 days following a mediation the parties must demonstrate good cause with specificity regarding why the parties are unavailable for a hearing within 60 days of the chosen mediation date. A general statement that the parties and counsel are not available, without more detail, is not sufficient.

ABC Unified School District has not established the July 14, 2023 Order

should be reconsidered. Therefore, the motion for reconsideration is denied. All dates set in this matter are confirmed.

IT IS SO ORDERED.

Christine Arden

Christine Arden
Administrative Law Judge
Office of Administrative Hearings