BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS OF:

PARENT ON BEHALF OF STUDENT,

v.

JURUPA UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2021020560

and

JURUPA UNIFIED SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT,

OAH CASE NUMBER 2020120670

ORDER GRANTING REQUEST FOR RECONSIDERATION AND GRANTING REQUEST FOR MEDIATION AND CONTINUANCE

APRIL 1, 2021

On March 26, 2021, the undersigned Administrative Law Judge issued an order denying the parties' joint request for mediation and continuance. On March 30, 2021, the parties filed a joint letter of clarification and request for reconsideration.

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

RECONSIDERATION

The parties jointly offered new facts, circumstances or law to support reconsideration. Specifically, the parties' joint letter constitutes counsels' declarations stating reasons for the requested continuance. The joint letter demonstrates the reason counsel previously failed to provide the facts and circumstances supporting their joint motion. Accordingly, the joint motion for reconsideration is granted.

JOINT REQUEST FOR MEDIATION AND CONTINUANCE

The March 26, 2021 Order Denying Continuance was issued as the requested continuance was not supported with a declaration establishing good cause for a second continuance. The parties, in their March 30, 2021 joint letter, mistakenly characterize their March 26, 2021 request as a first request for continuance in the consolidated matters. The parties are correct that it was their first request after the Student's case and Jurupa Unified School District's case were consolidated, but the parties had already requested and been granted a continuance of Jurupa's earlier-filed case. OAH considers each request for continuance, both before and after consolidation, when ruling on motions to continue. Doing otherwise could allow the parties to seek multiple continuances to delay mediation, hearing, and a final decision indefinitely.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored.

Counsel established good cause for a continuance, as the parties have not had an opportunity to mediate the claims presented in Student's case, now part of the consolidated matters. Any further continuance must be supported by a declaration establishing exceptionally good cause.

ORDER

1. The joint motion for reconsideration is granted.

2. The joint request to set mediation and continue the prehearing conference and hearing is granted.

3. MEDIATION DATE is April 21, 2021, 9:00 AM to 4:30 PM. MEDIATION will occur via telephone or video.

4. PREHEARING CONFERENCE will be held on May 7, 2021, at 1:00 PM.

5. DUE PROCESS HEARING will be held on May 18, 19, and 20, 2021.

    a. PARTICIPANT INFORMATION SHEETS FOR MEDIATION AND PREHEARING CONFERENCES MUST BE FILED TWO BUSINESS DAYS PRIOR TO THE DATE OF THE SCHEDULED EVENT.

    b. ANY CHANGES TO THE PARTICIPANTS' EMAIL ADDRESSES PROVIDED BY THE PARTIES IN THEIR REQUEST MUST BE FILED TWO BUSINESS DAYS BEFORE THE SCHEDULED EVENT.

    c. The hearing shall begin at 9:30 AM on all days unless otherwise ordered. The hearing shall continue day to day, as needed at the discretion of the Administrative Law Judge. Prehearing conference

statements and motions are due to OAH no later than three business days before the prehearing conference or with a showing of good cause why it was not possible to file the motion by that date.

IT IS SO ORDERED.

Cole Dalton

Cole Dalton
Administrative Law Judge
Office of Administrative Hearings