BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

NAPA VALLEY UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2019070142

ORDER GRANTING REQUEST FOR RECONSIDERATION AND GRANTING REQUEST FOR MEDIATION AND CONTINUANCE OF PREHEARING CONFERENCE AND HEARING AND SETTING DATES FOR MEDIATION, PREHEARING CONFERENCE AND HEARING

On July 16, 2019, the undersigned Administrative Law Judge, often referred to as ALJ, issued an order granting the parties' request for mediation and denying the parties request for a continuance of the prehearing conference and hearing due to the failure to state good cause for the continuance. On July 16, 2019, the parties filed a request for clarification and modification of that order because the undersigned ALJ ordered a mediation date that was not requested by the parties. Additionally, the parties' request contained a statement of good cause for their request for continuance. The request for clarification and modification of order granting mediation and denying continuance of prehearing conference and hearing is considered a 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.)

The parties offer new facts, circumstances or law to support reconsideration. The parties correctly established that the requested mediation date was August 15, 2019, and the order granting the requested mediation date incorrectly ordered the mediation on July 31, 2019. Additionally, the parties included a statement of good cause to support their request for a continuance based on the expense that would be incurred in mediating the dispute on a date just before hearing. The motion for reconsideration is granted.

ORDER

On reconsideration, the undersigned ALJ grants the parties request for mediation on August 15, 2019. OAH has reviewed the parties' request for good cause and considered all relevant facts and circumstances. The request is Granted. All dates previously set are vacated. The matter shall be set as follows: Mediation shall be held on August 15, 2019, 9:30 AM to 4:30 PM, at Napa Valley Unified School District's offices located at 2425 Jefferson Street, Napa, California, 94558. Prehearing conference shall be held on September 6, 2019 at 1:00 PM. Due Process Hearing shall be held on September 17, 18, and 19, 2019. The first day of hearing shall begin at 9:30 AM and the following days at 9:00 AM, unless otherwise ordered.

The parties shall immediately notify all potential witnesses of the hearing dates, and shall subpoena witnesses if necessary, to ensure that the witnesses will be available to testify. A witness will not be regarded as unavailable for purposes of showing "good

cause" to continue the hearing if the witness is not properly notified of the hearing date or properly subpoenaed, as applicable.

IT IS SO ORDERED.

DATED: July 17, 2019

DocuSigned by:
Rita Defilippis
8BD5FE332F4847E...

Rita Defilippis
Administrative Law Judge
Office of Administrative Hearings