BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. AMADOR COUNTY UNIFIED SCHOOL DISTRICT AND AMADOR COUNTY OFFICE OF EDUCATION.	OAH Case No. 2017110160 ORDER GRANTING REQUEST FOR RECONSIDERATION AND MEDIATION DATE

On April 4, 2018, the undersigned administrative law judge issued an order that denied setting a mediation date without prejudice on the ground that the parties had failed to establish good cause. On April 5, 2018 Student filed a motion 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. (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

The parties filed their joint mediation request on April 4, 2018 without explanation as to why the prior mutually agreed upon mediation date was cancelled. In the request for reconsideration, Student's counsel reveals that District became unavailable for the prior mediation date and the parties were unable to find another date that worked for both parties' schedules. Student then filed a motion to continue and requested a second mediation date which was denied. The administrative law judge stated that ample time existed to schedule another mediation prior to the due process hearing. Based on this new information, good cause exists in support of the reconsideration request.

Accordingly, Student's request for reconsideration is granted. On reconsideration, the request for mediation is granted.

ORDER

1. The Motion for Reconsideration is granted.

2. The Motion Requesting Mediation for April 9, 2018 is granted. The mediation will begin at 9:30 a.m., at 217 Rex Avenue, Jackson, California 95642.

IT IS SO ORDERED.

DATE: April 06, 2018

DocuSigned by:
Cynthia Fritz
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CYNTHIA FRITZ
Administrative Law Judge
Office of Administrative Hearings