BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

BELLFLOWER UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2023020620

ORDER GRANTING REQUEST FOR RECONSIDERATION, GRANTING REQUEST FOR MEDIATION AND DENYING THE SCHEDULING OF MEDIATION ON DATE SPECIFIED

MAY 4, 2023

On May 3, 2023, the undersigned Administrative Law Judge issued an order denying the parties joint request for a third mediation date without explanation following two prior cancellations. On May 4, 2023, the parties jointly filed 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, in support of their request for reconsideration. Counsel for Chula Vista offered a declaration stating that the first mediation date was cancelled because the district administrator scheduled to appear discovered he was not available for the first date scheduled. Student offered a declaration stating he was told by Parents that a family emergency had arisen on the morning of the second date scheduled for mediation. The fact that this information should have been provided with the request for a third mediation date is being overlooked in this instance. The parties should not rely on being offered reconsideration in the future for failure to include all necessary information with their moving papers in the first instance. The motion for reconsideration is granted.

RECONSIDERATION

On reconsideration, the parties' request to schedule a third mediation date is granted. However, mediation is not available on May 5, 2023. The parties are encouraged to submit two alternate dates on which participants are available that occur May 9, 2020 or after. No further mediation dates will be scheduled if this one is

cancelled, absent specific evidence of extraordinary circumstances. The prehearing conference and hearing dates set in this matter are confirmed.

IT IS SO ORDERED.

Penelope S. Pahl

Penelope S. Pahl
Administrative Law Judge
Office of Administrative Hearings