BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2019080892

ORDER DENYING REQUEST FOR RECONSIDERATION

On October 8, 2019, Administrative Law Judge Adrienne L. Krikorian issued an order granting the parties' request for mediation and to continue the due process hearing in this matter. Mediation was set for 9:30 a.m. to 4:30 p.m. on December 6, 2019, and the parties' request for a start time of 10:00 a.m. was denied. On October 11, 2019, Santa Monica-Malibu Unified School District filed a Request to Start Mediation at 10:00 a.m., which in effect is a motion for reconsideration. The motion asserted that Student's attorney did not oppose a change in the start time of mediation. The Office of Administrative Hearings did not receive a response from Student.

APPLICABLE LAW

The Office of Administrative Hearings, referred to as 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.)

DISCUSSION

The motion was filed within a reasonable time after the initial Order was issued. However, the motion offers no new facts, circumstances or law to support reconsideration. OAH sets mediations from 9:30 a.m. to 4:30 p.m., unless the mediation concludes earlier. Santa Monica-Malibu's counsel asserts that Santa Monica Malibu's special education director has a training to attend on the morning set for mediation. This information was not included in the original request for mediation. No evidence was offered in the motion for reconsideration that the training in question was scheduled after the mediation date was set in this case. Santa Monica-Malibu has not established the October 8, 2019 Order should be reconsidered.

The motion for reconsideration is denied. All dates set in this matter are confirmed. The parties may submit a request to change the mediation date to a day when all parties are available to begin mediation at 9:30 a.m.

IT IS SO ORDERED.

DATED: October 23, 2019

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Adrienne L. Krikorian
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Adrienne L. Krikorian
Administrative Law Judge
Office of Administrative Hearings