BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

CAJON VALLEY UNION SCHOOL DISTRICT.

OAH CASE NUMBER 2019060930

ORDER DENYING REQUEST FOR RECONSIDERATION

On July 31, 2019, the Office of Administrative Hearings, referred to as OAH, issued an order granting the parties' request for mediation and to continue the due process hearing. OAH assigned a mediator to the date requested. On August 1, 2019, Cajon Valley Union School District filed a Request for Administrative Law Judge for Mediation. The undersigned Presiding Administrative Law Judge denied the request. On August 9, 2019, Cajon Valley Union School District filed a request for reconsideration.

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.)

Cajon Valley offers no new facts, circumstances or law to support reconsideration of the routine assignment of a qualified mediator. The IDEA encourages the parties to voluntarily participate in mediation. OAH provides mediators for this purpose. OAH does not have a process by which the parties may choose the mediator or request a different mediator than the assigned mediator. The request for reconsideration is denied.

IT IS SO ORDERED.

DocuSigned by:
Marian H. Tully
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DATED: August 11, 2019

Marian H. Tully
Presiding Administrative Law Judge
Office of Administrative Hearings