BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS OF:

PARENTS ON BEHALF OF STUDENT,

v.

LONG BEACH UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2020040780

and

LONG BEACH UNIFIED SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT,

OAH CASE NUMBER 2020030273

# ORDER DENYING STUDENT'S REQUEST FOR RECONSIDERATION

SEPTEMBER 22, 2020

On September 4, 2020, the undersigned Administrative Law Judge issued an order granting mediation and denying the parties' joint request to continue the consolidated matters. On September 21, 2020, Parents on behalf of Student filed a motion for reconsideration of the September 4, 2020 Order. The Office of Administrative Hearings did not receive a response from Long Beach Unified School District.

## 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.)

## DISCUSSION

Student offers no new facts, circumstances or law to support reconsideration of the September 4, 2020 Order. Student contends the proximity in time between the September 25, 2020 mediation and the September 28, 2020 prehearing conference and the hearing dates will cause the parties undue prejudice by having to incur additional fees and costs in preparation for the prehearing conference and hearing prior to mediation. However, Student's motion merely offers argument and does not assert new or different facts, circumstances or law that did not exist at the time the September 4, 2020 Order was made. Avoiding additional costs in preparing a prehearing conference statement does not justify a continuance of the consolidated

matters for a third time, especially for a matter that has been pending since March 2020. Furthermore, Student's amended complaint was deemed filed on August 7, 2020, and the current hearing dates were set on August 31, 2020, giving parties sufficient time to prepare for hearing and to subpoena witnesses. Preparation for hearing should have begun when the due process hearing requests were filed, not when settlement negotiations break down, nor on the eve of the deadline to file a prehearing conference statement. Accordingly, Student's motion for reconsideration of the September 4, 2020 Order Granting Mediation and Denying Request for Continuance is denied.

## ORDER

Student has not established the September 4, 2020 Order should be reconsidered. The motion for reconsideration is denied. All dates set in this matter are confirmed.

## IT IS SO ORDERED.

DocuSigned by:
Rommel P. Cruz
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Rommel P. Cruz
Administrative Law Judge
Office of Administrative Hearings