BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

FONTANA UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2019080917

ORDER DENYING REQUEST FOR RECONSIDERATION

On September 9, 2019, the parties jointly filed with the Office of Administrative Hearings, known as OAH, a request to continue this matter, based upon a desire to mediate. OAH granted the request on September 11, 2019. The parties mediated on November 4, 2019. On December 30, 2019, OAH granted Student's motion to amend the complaint, which reset the decision timeline. The hearing is now scheduled to begin on February 19, 2020, with a Prehearing Conference for February 10, 2020.

On January 13, 2019, the parties jointly filed a second continuance request, based upon parties wanting a second mediation due to the new allegations in the amended complaint and hearing conflicts with the attorney for Fontana Unified School District.

On January 13, 2020, the undersigned Presiding Administrative Law Judge issued an order that granted the mediation request for January 28, 2020, and denied the continuance request as premature as the hearing in OAH Case No. 2019090362 was not

set to begin until February 11, 2020. On January 16, 2020, Fontana filed a request for reconsideration. OAH did not receive a response from Student.

APPLICABLE LAW

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

Fontana offers no new facts, circumstances or law. to support reconsideration as a mediation in this case is scheduled for January 28, 2020, which may resolve the matter. Further, if the case does not settle, the parties may raise the continuance request at the

February 10, 2020 Prehearing Conference if OAH Case No. 2019090362 is still proceeding to hearing the next day.

ORDER

Fontana has not established the January 13, 2020 Order should be reconsidered. The motion for reconsideration is denied. All dates set in this matter are confirmed.

IT IS SO ORDERED.

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Peter Paul Castillo
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DATED: January 23, 2020

Peter Paul Castillo
Presiding Administrative Law Judge
Office of Administrative Hearings