

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

JURUPA UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021070855

ORDER GRANTING REQUEST FOR RECONSIDERATION,
AND GRANTING REQUEST FOR SECOND MEDIATION,
AND SECOND CONTINUANCE

DECEMBER 13, 2021

On December 6, 2021, the undersigned Administrative Law Judge issued an order denying the parties' joint request for a second mediation and a second request for continuance on the grounds that no good cause had been stated for either request. On December 10, 2021, the parties jointly filed a Request for Reconsideration of the December 6, 2021 order.

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.)

Jurupa's request for reconsideration offered the additional fact that the parties had not yet had an opportunity to mediate claims raised in Student's amended complaint. The fact that the parties failed to explain why this information was not provided in the original motion will be overlooked in this instance. The parties should not assume that multiple considerations of motions will be available in the future due to a failure to include complete information in the original filing. The motion for reconsideration is granted.

REQUESTS FOR MEDIATION AND CONTINUANCE

A due process hearing must be conducted, and a decision rendered, within 45 days of receipt of the due process notice unless an extension is granted. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) Speedy resolution of the due process hearing is mandated by law and continuance of the hearing may be granted only upon a showing of good cause. (Ed. Code, § 56505, subd. (f)(3).) In ruling upon a motion for continuance, OAH is guided by the provisions found within the Administrative Procedure Act and the California Rules of Court that concern motions to

continue. (Cal. Code Regs., tit. 1, § 1020; Cal. Rules of Court, rule 3.1332.) Generally, continuances of matters are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

On reconsideration, the parties will be granted a second mediation to provide the opportunity to work with a mediator to resolve the case including new claims raised in the amended complaint. The parties will also be granted a short second continuance to allow for the scheduling of the mediation. However, the parties have failed to support their requested hearing schedules with good cause. All previously scheduled dates are hereby vacated. The new dates are:

MEDIATION will be held on February 7, 2022, 9:00 to 4:30 p.m.

PREHEARING CONFERENCE will be held on February 14, 2022 at 10:00 a.m.

PARTICIPANT INFORMATION SHEETS FOR MEDIATION AND PREHEARING CONFERENCES MUST BE FILED TWO BUSINESS DAYS PRIOR TO THE DATE OF THE SCHEDULED EVENT.

HEARING will be held on February 23, and 24, 2022. Hearings are not being set to begin February 22 due to the President's Day holiday.

The hearing shall begin at 9:30 AM on all days unless otherwise ordered. After the scheduled dates, the hearing shall continue day to day, including Mondays and Fridays, as needed at the discretion of the Administrative Law Judge. Prehearing conference statements and motions are due to OAH no later than three business days before the

prehearing conference or with a showing of good cause why it was not timely filed.

No further continuances will be granted in this matter absent a showing of extraordinary good cause.

IT IS SO ORDERED.

Penelope S. Pahl

Penelope S. Pahl

Administrative Law Judge

Office of Administrative Hearings