

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

FOLSOM-CORDOVA UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021110105

ORDER GRANTING REQUEST FOR RECONSIDERATION
AND REQUEST TO RESCHEDULE MEDIATION AND
CONTINUE HEARING

DECEMBER 2, 2021

On November 22, 2021, the undersigned Administrative Law Judge issued an order granting the parties joint request to schedule a mediation and denying the parties request for continuance for lack of good cause. On December 1, 2021, the parties filed a joint request to reschedule the mediation and a second request to continue the hearing. This is considered a request for reconsideration.

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

The parties' first request for a continuance was denied because the parties requested date for mediation was before the currently scheduled dates for hearing, and the parties failed to state any reason for the requested continuance. The parties now request that the mediation be rescheduled to a date after the currently scheduled dates for hearing. The revised mediation date changed the circumstances of the Parties' request for continuance and therefore supports reconsideration of the prior order. The request for reconsideration is granted.

ORDER

On reconsideration, the parties' request to reschedule the mediation and continue the hearing is granted. All dates are vacated. This matter shall proceed as follows:

MEDIATION DATE is January 5, 2022, 9:00 AM to 4:30 PM.

MEDIATION will occur via telephone or video.

PREHEARING CONFERENCE will be held on February 4, 2022, at 10:00 AM.

DUE PROCESS HEARING will be held on February 15, 16, and 17, 2022.

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

The hearing shall begin at 9:30 AM on all days unless otherwise ordered. The hearing shall continue day to day, 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.

The parties shall immediately notify all potential witnesses of the hearing dates, and shall subpoena witnesses, if necessary, to ensure their availability to testify. Good cause for witness unavailability is not established by failing to properly notify or subpoena a witness. Prehearing conference statements and motions are due to OAH no later than three business days before the prehearing conference or with evidence of good cause why it was not possible to file the motion by that date.

IT IS SO ORDERED.

Rita Defilippis

Rita Defilippis

Administrative Law Judge

Office of Administrative Hearings