BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

INSPIRE CHARTER SCHOOL

OAH CASE NUMBER 2019100711

ORDER GRANTING REQUEST FOR RECONSIDERATION AND SETTING MEDIATION DATE AND CONTINUANCE OF PREHEARING CONFERENCE AND DUE PROCESS HEARING

APRIL 28, 2020

On April 20, 2020, the undersigned Administrative Law Judge issued an order denying a joint request to set a mediation date and continue the prehearing conference and due process hearing. On April 28, 2020, the parties filed a Joint Motion 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 jointly offered new facts, circumstances or law. to support reconsideration. The April 20, 2020 Order Denying Continuance was issued because the requested for the August 20, 2020 due process hearing dated did not include a discussion of good cause. The requested continuance dates represented too long a delay for hearing given the initial filing date of Student's complaint. The parties in their Motion for Reconsideration have included a good cause explanation and proposed new dates for mediation and due process hearing which are far more reasonable and constitute good cause for continuance. The motion for reconsideration is granted.

ORDER

1. On reconsideration, the Joint Request for Setting Mediation and Continuing Due Process Hearing is granted as follows:
2. Mediation Date is May 26, 2020, 9:00 AM to 4:30 PM. Mediation will occur via telephone or video.
3. Prehearing Conference will be held on JUNE 15, 2020, at 1:00 PM.
4. Due Process Hearing will be held on June 23, 2020, through June 25, 2020. 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.

5. Mediation and Prehearing Conference will be held via video conferencing pursuant to the General Order for Due Process Hearings and Mediations and Closure of Public Counters, which is attached along with the Order Setting Video Prehearing Conference Procedures and Participant Information for Prehearing Conference.
6. There shall be no further continuances, amended complaints, or consolidations of this matter.
7. All other orders remain in full force and effect.

IT IS SO ORDERED.

Judith Pasewark
Administrative Law Judge
Office of Administrative Hearings