BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. BELLFLOWER UNIFIED SCHOOL DISTRICT AND LOS ANGELES UNIFIED SCHOOL DISTRICT.	OAH Case No. 2014031056 ORDER GRANTING REQUEST FOR RECONSIDERATION OF ORDER DENYING MOTION TO CHANGE MEDIATION VENUE AND CHANGING VENUE FOR MEDIATION

On April 16, 2014, the undersigned administrative law judge issued an order denying Los Angeles Unified School District's (LAUSD) motion to move the venue of the May 1, 2014 mediation from Bellflower Unified School District (BUSD) offices to LAUSD's Beaudry Headquarters.

On April 17, 2014, Student filed a motion for reconsideration of the prior order (Motion). Student seeks to have the May 1, 2014 mediation venue moved to LAUSD's Beaudry Headquarters on the grounds that the BUSD location is inconvenient. Student argues that Parent drops Student off at school in the morning around 8:00 a.m. and picks Student up from school in the afternoon. Student attends school about 20 blocks from LAUSD Beaudry Headquarters and, as such, Parent will already be in downtown Los Angeles at 8:00 a.m. on May 1, 2014. Student claims that if the mediation venue remains at BUSD, she will have less than one hour to travel in traffic the 20 miles between Student's school and BUSD.

On April 21, 2014, BUSD filed an opposition to the Motion. BUSD contends venue for the mediation should remain in Bellflower because its offices are located in Bellflower, and Student and Parent live in Bellflower. BUSD contends that the distance between Student's school and BUSD's offices is only 18.57 miles and it will take Parent only 24 to 39 minutes to travel that distance.

APPLICABLE LAW AND DISCUSSION

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. (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.)

The motion to change venue was denied on April 16, 2014, because LAUSD failed to make the showing necessary to justify a change in the mediation location based upon reasonable convenience of the parties as set forth in Education Code section 56500.3 (h).

Here, Student alleges new facts in support of the request for reconsideration of the prior order. The new facts are that Parent will be dropping Student off at school in the morning on May 1, 2014, picking Student up from school that afternoon, and Student's school is located a short distance from LAUSD's Beaudry Headquarters. The motion for reconsideration is granted.

As to the motion for change in venue, two of the three parties to this dispute will already be located in downtown Los Angeles on the morning of May 1, 2014 when the mediation is scheduled to begin. If the mediation remained in Bellflower, Parent would be required to make two round-trips from Bellflower to Student's school on May 1, 2014 in order to take Student to school in the morning and pick Student up from school. BUSD is located about 20 miles from LAUSD. BUSD personnel participating in the mediation can travel that relatively short distance to LAUSD for the 9:00 a.m. mediation. Under these circumstances, LAUSD's Beaudry Headquarters is the mediation location "reasonably convenient to the parties."

ORDER

1. Student's motion for reconsideration is granted.

2. The motion for venue change for mediation is granted. The mediation will proceed on May 1, 2014, from 9:00 a.m. to 12:30 p.m. at LAUSD's Beaudry Headquarters, located at 333 S. Beaudry Avenue, 17th Floor, Los Angeles, California 90017.

DATE: April 23, 2014

/s/

LAURIE GORSLINE
Administrative Law Judge
Office of Administrative Hearings