BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

NEWPORT-MESA UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2022110748

ORDER GRANTING REQUEST FOR RECONSIDERATION, GRANTING CONTINUANCE AND SETTING A SECOND MEDIATION, PREHEARING CONFERENCE AND HEARING

February 22, 2023

On February 21, 2023, the undersigned Administrative Law Judge issued an order denying the parties' request to set a second mediation and for a continuance of hearing. On February 22, 2023, 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

In their timely filed motion, the parties offered new facts and circumstances to support reconsideration. The parties disclosed in their motion for reconsideration that the reason Student cancelled the mediation previously scheduled for February 6, 2023, was because, in order to have a productive mediation, it was first necessary to hold an individualized educational program, called IEP, team meeting to discuss residential treatment centers appropriate for Student. The motion for reconsideration is granted.

The cancellation of the first scheduled mediation to allow time for the IEP team to hold a meeting to discuss appropriate residential treatment centers for Student before the parties participated in a mediation, constitutes good cause to set a second mediation and continue the hearing.

ORDER

On reconsideration, the parties' joint request to set a second mediation and continue the hearing is granted.

All dates are vacated, and this case shall proceed as follows:

Mediation shall take place on April 5, 2023, from 9:00 AM to 12:30 PM. The mediation shall take place via videoconference using the Zoom software application.

Prehearing Conference shall take place on May 5, 2023, at 1:00 PM.

Due Process Hearing shall take place on May 16, 2023, through May 18, 2023. The hearing shall be conducted via videoconference using the Zoom software application. The hearing shall start at 9:30 AM each day, and generally end about 3:30 PM. The hearing shall continue from day to day until completed, at the discretion of the administrative law judge. The parties shall promptly give witnesses notice of the hearing dates and issue subpoenas if necessary.

IT IS SO ORDERED.

Christine Arden

Christine Arden
Administrative Law Judge
Office of Administrative Hearings