BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

NEWMAN-CROWS LANDING UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2022040545

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

SEPTEMBER 15, 2022

On September 7, 2022, the undersigned Administrative Law Judge issued an Order Denying Request for Continuance and Second Mediation. On September 8, the parties jointly filed a 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 the motion for reconsideration the parties offered new facts justifying reconsideration of the Order Denying Request for Continuance and Second Mediation dated September 7, 2022. The parties' initial request for second mediation and continuance of hearing was merely a form request, not supported by reasons or declarations justifying a second mediation or further continuance. However, the motion for reconsideration provided additional facts and supporting declarations explaining the parties want the opportunity to participate in a second mediation to address new allegations included in Student's amended complaint. A continuance of the hearing is needed to allow time for a second mediation.

The new facts provided in support of the motion for reconsideration constitute good cause to grant the motion for reconsideration. Therefore, the motion for reconsideration is granted. However, because this case has been pending before OAH since April 18, 2022, another continuance of the hearing will not be granted, absent emergency circumstances. All currently scheduled dates are vacated. Dates as follows are set:

The second mediation shall take place on October 18, 2022, from 9:00 AM to 4:30 PM. The mediation will be conducted via videoconference using the Zoom software application. Parties must file a completed Participant Information form with OAH at least two business days before the mediation.

The prehearing conference, called the PHC, is set for October 31, 2022, at 1:00 PM. The parties shall file their prehearing conference statements with OAH at least three business days before the PHC.

The due process hearing is set for November 8, 2022, through November 10, 2022. The hearing shall begin at 9:30 AM, and will generally end at 3:30 PM, unless otherwise ordered. Additional hearing dates will be discussed with the ALJ during the hearing. The parties shall immediately notify all potential witnesses of the hearing dates and subpoena witnesses, if necessary, to ensure that the witnesses will appear to testify. A party's failure to notify or subpoena a witness will not be considered good cause to continue the hearing.

IT IS SO ORDERED.

Christine Arden

Christine Arden
Administrative Law Judge
Office of Administrative Hearings