

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

CHULA VISTA ELEMENTARY SCHOOL  
DISTRICT,

v.

PARENTS on behalf of STUDENT.

OAH CASE NO. 2009090806

ORDER DENYING REQUEST FOR  
RECONSIDERATION

On October 28, 2009, the undersigned administrative law judge issued an order denying Student's motion to dismiss the complaint filed by the Chula Vista Elementary School District (District) in this case. On November 25, 2009, Student, through his Mother, filed a motion for reconsideration of that order.

APPLICABLE LAW

The Office of Administrative Hearings (OAH) 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.)

DISCUSSION AND ORDER

Student alleges no new facts, circumstances, or law in support of his motion for reconsideration. Rather, Student states that he wishes to mediate the matter and also requests that the location of the hearing be changed from the District's offices to the OAH offices in San Diego, California. Student also states that his Mother has not been able to obtain counsel to assist her in spite of making such a request previously to OAH.

With regard to Student's request for mediation, since mediation is voluntary for all parties, if Student wishes to mediate this case his Mother should contact counsel for the District to determine if the District wishes to participate in mediation. If so, one of the parties should then contact OAH and request a mediation date.

With regard to the location of the hearing, the parties should raise the issue at the pre-hearing conference for the ALJ to make final decisions concerning where the hearing shall take place.

Student also requested assistance locating an attorney to represent him. A list of attorneys and advocates providing low cost or no cost representation to students and their parents is available on OAH's website via a link at the bottom of the OAH Special Education webpage. If Student's Mother has difficulty accessing the website or the link, she should contact OAH in Sacramento at 916.263.0880 and request a hard copy of the advocate list.

Since Student does not raise any new facts, circumstances, or law that would support a motion for reconsideration, his motion is DENIED.

It is so ordered.

Dated: November 25, 2009

/s/

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DARRELL LEPKOWSKY  
Administrative Law Judge  
Office of Administrative Hearings