BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

ADELANTO ELEMENTARY SCHOOL DISTRICT.

OAH CASE NUMBER 2025060065

ORDER DENYING REQUEST FOR RECONSIDERATION

JULY 14, 2025

On July 2, 2025, the Office of Administrative Hearings issued an order dated June 30, 2025, granting Adelanto Elementary School District's motion to continue the hearing from July 22, 2025 to August 19, 2025, because its attorney was unavailable due to a pre-planned vacation cruise. The Office of Administrative Hearings is called OAH.

On July 3, 2025, Student filed a motion for reconsideration, addressed to the "Supervising Judge," requesting supervisory review of the June 30, 2025 Order. Student alleges that Parent feels ignored and disrespected, and that the one-sided Order appears biased in favor of District, giving more weight to the attorney's personal outing than the time-sensitive needs of Student. Student reargues the propriety of granting a continuance of the hearing and requests that the order be "overturned" or "revoked." Student also asserts that his request for accommodations in the form of an in-person

hearing has been ignored, and that Parents have been denied the right to meaningfully advocate for Student. Student also alleges that his request for an expedited hearing has been ignored, and no explanation has been given for the failure to expedite the hearing. Student requests that in addition to setting aside the continuance, OAH reconsider the denial or omission of an expedited hearing and that OAH reconsider the denial of an in-person hearing.

On July 8, 2025, District opposed the motion for reconsideration on the grounds it raised no new or different facts, circumstances or law justifying reconsideration. District argues there is no basis for expediting the case because no expedited claims have been asserted. District states it does not oppose in-person hearings.

APPLICABLE LAW

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, 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

Student's motion for reconsideration attempts to reargue the merits of District's continuance motion. Student has not demonstrated reconsideration is warranted because Student has stated no new facts, circumstances or law justifying reconsideration. Student's disagreement with the order granting the continuance is not a proper basis for reconsideration.

OAH does not expedite hearings based on a party's request, but rather, sets a case for expedited scheduling only when the complaint alleges expedited claims made under 20 United States Code section 1415(k). Student's complaint alleges no claims under 20 United States Code section 1415(k), so there is no valid basis for reconsideration of the continuance order on this ground.

Student's request for reconsideration of the accommodation request in the form of an in-person hearing was not addressed by the June 30, 2025 continuance order and will not be addressed here. OAH has a procedure for handling a party's request for accommodation. Accommodation requests are handled by the accommodation coordinator.

A party or participant in this case, such as a witness, requiring reasonable accommodation to participate in a mediation or hearing may contact OAH at (916) 263-0880, or send an email to OAHADA@dgs.ca.gov as soon as the need is known. The e-mail should have "Request for Accommodation" in the Subject Line. Additional information concerning requests for reasonable accommodation is available on OAH's website at: https://www.dgs.ca.gov/OAH/Services/Page-Content/Office-of-Administrative-Hearings-Services-List-Folder/Request-Reasonable-Accommodations-for-OAH-Legal-Proceedings.

Accordingly, Parent should make any requests or follow-up inquiries regarding an accommodation in accordance with OAH policy and procedure.

ORDER

The motion for reconsideration of June 30, 2025 Order granting District's request for continuance is denied. All dates set in this matter are confirmed as set forth in the order dated June 30, 2025.

IT IS SO ORDERED.

Laurie Gorsline

Laurie Gorsline
Administrative Law Judge
Office of Administrative Hearings