BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

ADELANTO ELEMENTARY SCHOOL DISTRICT, DESERT MOUNTAIN SPECIAL EDUCATION LOCAL PLAN AREA, AND DESERT MOUNTAIN CHILDREN'S CENTER.

OAH CASE NUMBER 2025060065

ORDER DENYING REQUEST FOR RECONSIDERATION AND CONFIRMING ORDER DENYING MOTION TO STRIKE

OCTOBER 20, 2025

On June 2, 2025, Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming Adelanto Elementary School District. The Office of Administrative Hearings is referred to as OAH.

On August 5, 2025, OAH granted Student's motion to amend and deemed filed Student's first amended complaint. Student's first amended complaint added Desert

Mountain Special Education Local Plan Area, called SELPA, and Desert Mountain Children's Center as respondents.

Student filed a second amended complaint on September 18, 2025. Adelanto, Desert Mountain SELPA, and Desert Mountain Children's Center, called the Respondents, filed a response to Student's second amended complaint on October 2, 2025.

On October 3, 2025, Student filed a motion to strike the Respondent's response, asserting that it was not filed timely. The Respondents opposed that motion. OAH denied Student's motion through a written order dated October 15, 2025.

On October 17, 2025, Student filed a motion for OAH to reconsider the October 15, 2025 Order. OAH did not receive a response from the Respondents prior to ruling.

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

While Student filed his motion within a reasonable time after the initial Order was issued, Student offers no new facts, circumstances, or law to support reconsideration.

Rather, Student reargues his motion to strike with facts and law that were available to him when he filed his initial motion, but that he failed to adequately discuss.

Even considering Student's improperly raised arguments, made in significant part through conclusory statements, they are not persuasive. For example, Student cites to portions of the Government Code related to subpoenas. (Gov. Code, §11450.05-1145.30.) These portions of the Government Code explicitly do not apply to special education proceedings. (Cal. Code Regs., tit.5, §3089.) Student's specific citation to *M.C. v. Antelope Valley Union High School District* (9th Cir. 2017) 858 F.3d 1189, 1199-1200, is also not persuasive, because the Respondents provided a response, unlike the school district in that case. Student again failed to provide a legal basis for his request to strike the Respondent's response. The undersigned considered the remainder of Student's arguments and rejected them. Student's motion for reconsideration is denied.

ORDER

1. Student has not established the October 15, 2025 Order should be reconsidered.
2. The motion for reconsideration is denied.

IT IS SO ORDERED.

Ashok Pathi

Ashok Pathi
Administrative Law Judge
Office of Administrative Hearings