BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

PALO ALTO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024070468

ORDER DENYING REQUEST FOR RECONSIDERATION

NOVEMBER 20, 2024

On July 12, 2024, Student filed a request for due process hearing, also called a complaint, with the Office of Administrative Hearings, called OAH, naming Palo Alto School District as respondent. On October 9, 2024, OAH granted Student's request to amend the complaint.

On November 5, 2024, Student filed a motion to compel Palo Alto to "produce documents, produce district witnesses for hearing, and to produce contact information for all witnesses no longer employed or contracted with through *[sic]* the district." On November 8, 2024, Palo Alto filed an opposition to Student's motion. On November 15, 2024, the undersigned issued an order denying Student's motion. On November 18, 2024, Student moved for reconsideration of the order. Later on November 18, 2024, Palo Alto opposed Student's 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.)

Student offers no new facts, circumstances or persuasive legal authority to warrant reconsideration. Student argues, in defense of submitting a 2020 PHC order ruling as "new law," that she had difficulty finding legal authority supporting her motion to compel. It is unnecessary to determine whether this is an adequate basis for submitting legal authority available when the original motion was made, as Student has offered neither new facts nor law justifying reconsideration.

The only new fact Student identified related to her motion is that the judge subsequently assigned for the Prehearing Conference was not the undersigned. This does not constitute grounds for reconsideration of a previously issued order.

As to the June 2020 prehearing conference ruling, special education orders and Decisions are not precedential. (Cal. Code Regs, tit, 5, §3085). The PHC ruling in question is neither on point nor persuasive as to the educational records issue, as it does not address the original reasons for denial of Student's motion. The offered PHC ruling does not address the question of providing former employee or contractor personal contact information at all.

ORDER

Student has not established justification to reconsider the November 15, 2024, Order Denying Student's Motion to Compel should be reconsidered. The motion for reconsideration is denied. All dates set in this matter are confirmed.

IT IS SO ORDERED.

Penelope Pahl

Penelope S. Pahl
Administrative Law Judge
Office of Administrative Hearings