BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

VISTA UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025050078

ORDER DENYING MOTION FOR RECONSIDERATION

SEPTEMBER 19, 2025

On September 16, 2025, the undersigned Administrative Law Judge, called an ALJ, issued an order denying Student's motion to amend his due process hearing request. On September 18, 2025, Student filed a motion for reconsideration. On September 18, 2025, Vista Unified School District, called Vista Unified, filed a statement of non-opposition to Student's motion for reconsideration.

The Office of Administrative Hearings, called 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.)

An individualized education program is called an IEP. Student's motion for reconsideration inaccurately asserts "Student's original request for Due Process discussed how a Functional Behavioral Assessment was reviewed at an IEP on March 26, 2025. (Student's Request for Due Process, p. 18; 21-22.)." It did not. Student's original complaint alleged Student's "[functional behavior assessment] was not completed until March 26, 2025." In the original complaint, the paragraphs following that statement describe the findings of that assessment and only served to support Student's allegations and claims that the May 9, October 24, and December 18, 2024, and January 31, 2025 IEPs denied Student a free appropriate public education by not offering Student appropriate behavior supports and services. The original complaint did not allege there was any IEP team meeting on March 26, 2025, and did not challenge the sufficiency of any resulting IEP developed after completion of the functional behavior assessment. Allegations and claims regarding a March 26, 2025 meeting and any documentation of it in an IEP presented to Parents on May 14, 2025, regardless of in which school year their impact might have been experienced, are only stated in the proposed amended complaint. And they may be fully and fairly heard in a separate due process hearing concerning them. The claims in Student's original complaint may be fairly and thoroughly heard without evidence regarding the additional facts and new claims regarding a March 26, 2025 IEP team meeting and any documentation of it in an IEP presented to Parents on May 14, 2025.

Further, Student incorrectly suggests the ALJ indicated Student could consolidate the original complaint with a newly filed complaint. This was not stated by the ALJ in the September 16, 2025 Order and is inconsistent with OAH's procedures. There is no

compulsory joinder of claims in actions filed under the Individuals with Disabilities Education Act. Nothing prevents Student from filing a new due process hearing request regarding the new claims and having his challenges to the March 26, 2025 IEP team meeting and any documentation of it in an IEP presented to Parents on May 14, 2025, heard in a separate hearing, regardless of in which school year their impact might have been experienced.

Student offers no new or different facts, circumstances, or law to support reconsideration. Student only attempts to re-argue the motion to amend without presenting any information that was not or could not have been argued in the original motion to amend. The facts alleged in the original and proposed amended complaints, the claims stated in each, and relevant authority were considered in ruling on the motion to amend. Student's motion for reconsideration is therefore denied. All dates set in this matter are confirmed.

IT IS SO ORDERED.

Jennifer Kelly

Jennifer Kelly
Administrative Law Judge
Office of Administrative Hearings