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 SECOND REQUEST FOR RECONSIDERATION

JULY 30, 2025

On June 2, 2025, Student filed a Due Process Hearing Request, called a complaint with the Office of Administrative Hearings. The Office of Administrative Hearings is called OAH.

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 due process hearing from July 22 to August 19 through 21, 2025, because its attorney was unavailable due to a pre-planned vacation.

On July 3, 2025, Student filed a motion for reconsideration, addressed to the "Supervising Judge," requesting review of the June 30, 2025 Order. In that motion,

Student reargued the propriety of OAH granting a continuance of the due process hearing and requested that the order be "overturned" or "revoked." Student also asserted that his request for accommodations in the form of an in-person hearing had been ignored and that Parents have been denied the right to meaningfully advocate for Student. Student also alleged that his request for an expedited hearing was ignored without explanation.

On July 8, 2025, Adelanto filed an opposition on the grounds that Student's motion raised no new or different facts, circumstances, or law justifying reconsideration. Adelanto argued that there was no basis for expediting the case, because Student did not allege any expedited claims. Adelanto did not oppose an in-person due process hearing.

On July 14, 2025, OAH denied Student's motion for reconsideration, explaining that Student had not demonstrated that reconsideration was warranted because Student stated no new facts, circumstances, or law justifying reconsideration. OAH explained that Student's disagreement with the order granting the continuance was not a proper basis for reconsideration. OAH also explained that Student did not allege any issues subject to the expedited due process procedures under 20 United States Code section 1415(k). Finally, OAH explained that Parent's request for accommodations in the form of an in-person hearing should be addressed with the OAH's accommodation coordinator in accordance with OAH policy and procedures. OAH provided Parents with the relevant information necessary to make that request.

On July 16, 2025, Student filed a document entitled "Formal Objection to Hearing Date Scheduled Beyond Legal Timeline and [M]otion to [E]nforce [T]imelines." Once again, Student attempts to relitigate OAH's June 30, 2025 continuance order, making many of the same arguments made in the first motion for reconsideration. Student

argues OAH should complete the due process proceedings in this matter by August 13, 2025 pursuant to Student's belief that he filed his due process complaint on May 30, 2025 and did not consent to any extension of the due process timelines. Student also states that it has never been explained why his hearing was not expedited, that there was no good cause to continue the hearing, and that District could have assigned a different attorney to this case. Student asserts that the current schedule undermines the purpose of filing this due process complaint, to obtain appropriate services before the 2025-2026 school year. Student argues that his request to maintain the hearing dates was neither acknowledged nor acted upon with diligence.

Also embedded in the motion, Student again requests that the due process hearing be conducted in-person as an accommodation to Parent. Student appears to acknowledge that OAH is working on that request, but Parents allege they have not received confirmation in writing or updates regarding this issue. Parent complains that she has received multiple documents without translation, disadvantaging and dehumanizing Parent, who cannot read the documents provided. Parent also complains that the Spanish translations of the documents are not being sent simultaneously with the English versions, but arriving "days later," limiting the ability of Parent to stay up-to-date. Student also requests that OAH provide a Spanish language interpreter for the due process hearing to assist Parent, and that the interpreter be positioned physically near Parent. Parent also requests that OAH confirm the date the complaint was filed, advance the hearing a week to occur on August 11 through 13, 2025 and that the hearing occur no later than August 13, 2025 to ensure compliance with the 75-day deadline and that the hearing will be in-person.

On July 21, 2025, District filed opposition to the motion, objecting to any change in the hearing dates based on the unavailability of District's counsel. District argues that

hearing dates have been lawfully set, that the law permits either party to seek a continuance which does not require agreement by both parties, and that District has the right to an attorney of their choosing. District does not object to an in-person hearing and requests that the hearing proceed as scheduled on August 19 through 21, 2025.

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 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

Student's objections to the hearing dates and request to enforce the timelines is a second motion for reconsideration of OAH's June 30, 2025 continuance order granting District's request to continue the hearing for 28 days, or a motion for reconsideration of OAH's July 14, 2025 order denying reconsideration. In either event, Student's motion is denied. In his objection, Student's reargues 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. The arguments made by Student were already made or could have been made by Student in opposition to District's original motion to continue. Again, Student's disagreement with the order granting the continuance is not a proper basis for reconsideration of the prior orders.

Contrary to Student's assertions, in both the June 30 and July 14, 2025 Orders OAH explained why this case is not entitled to expedited scheduling. Moreover, OAH grants continuances based on a finding of good cause, which does not require consent of both parties, and in some cases, does not require consent or agreement of either party. Student's assertion that he filed his due process complaint on May 30, 2025 is factually incorrect. Student filed the complaint on Friday, May 30, 2025 at 6:52 PM, after the close of business. OAH treats documents filed after 5:00 PM as filed the following business day. Therefore, OAH deemed the complaint filed on Monday, June 2, 2025, the next business day. Nevertheless, Student's request to enforce the timelines ignores the effect of the June 30, 2025 Order granting a continuance, which extended the applicable due process timelines for good cause. Further, OAH does not begin hearings on Mondays, thus, August 11, 2025 is not available for hearing and the hearing may take more than three days to complete, particularly given that the hearing will require the use of an interpreter.

For parents requiring documents in a language other than English, it is OAH's policy to provide translation of those documents to Parents, after those translations have been completed. It is not possible to send the translation simultaneously with the original English version of a document because it takes time to prepare the translation. OAH will continue to provide Parents with Spanish translation of the documents pursuant to OAH procedures. OAH will also provide a Spanish language interpreter for the prehearing conference and hearing.

Regarding Student's accommodations request for an in-person hearing, Student was previously instructed to follow OAH policy and procedures for requesting accommodation. OAH responded by letter dated July 29, 2025 to Parent's request for an in-person hearing, granting Student's request. The letter also addressed Student's

request for in-person interpretation services. The Administrative Law Judge assigned to the case will discuss the final logistics at the prehearing conference on August 8, 2025. Otherwise, Parents should make any requests regarding an accommodation in accordance with OAH policy and procedure.

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, Student's request for reconsideration of the June 30, 2025 and July 14, 2025 Orders is denied. All dates set in this matter are confirmed as set forth in the order dated June 30, 2025. The prehearing conference will proceed as scheduled on August 8, 2025, and the hearing will proceed in-person as scheduled on August 19 through 21, 2025, and will continue day to day, as needed, Mondays and Fridays included, at the discretion of the Administrative Law Judge.

The parties are also reminded that OAH provides trained mediators at no cost to the parties. Mediation is a process during which the parties attempt to reach a mutually acceptable resolution to their dispute. The Mediator assists and guides the parties' discussion towards a resolution. The Mediator is neutral and skilled in methods of facilitating effective communication between the parties. In mediation, the parties determine if a resolution is reached, and if so, the terms of their agreement. Mediation in special education cases has produced mutually satisfactory resolutions in the vast

majority of cases. OAH strongly encourages participation in mediation. If mediation is unsuccessful, the matter will proceed to the prehearing conference and due process hearing. Parties must ask OAH in writing to schedule mediation. The parties are encouraged to work together to find a mutually acceptable date for mediation. The joint request for mediation must be made in writing to OAH via U.S. mail or Secure e-File Transfer system at https://www.applications.dgs.ca.gov/OAH/OAHSFTWeb/Account/Login. OAH will promptly notify the parties as to the status of their requested mediation date. Self-represented parents or guardians may also contact the case manager listed on the Scheduling Order for assistance in scheduling the mediation.

Also, the California Education Code section 56502, subdivision (h), provides that the Superintendent or his or her designee shall provide both parties with a list of persons and organizations with the geographical area that can provide free or reduced

cost representation or other assistance in preparing for the due process hearing. This list shall include a brief description of the requirement to qualify for the services.

The lists for Low-Cost or Free Attorneys and Advocates for Special Education are available on the OAH website at https://www.dgs.ca.gov/en/OAH/Case-Types/Special-Education/Services/Page-Content/Special-Education-Services-List-Folder/Access-List-of-Low-Cost-or-Free-Attorneys-and-Advocates-for-Special-Education or by contacting OAH Sacramento Special Education Division at 916-263-0880.

IT IS SO ORDERED.

Laurie Gorsline

Laurie Gorsline
Administrative Law Judge
Office of Administrative Hearings