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

NOVEMBER 13, 2025

On October 31, 2025, the undersigned Administrative Law Judge, called an ALJ, issued an order denying the Respondents' motion to dismiss Student's due process complaint without prejudice and ordering the parties to convene a resolution session.

On November 6, 2025, Student filed a document entitled "Motion for Reconsideration and Protective Order due to Bad Faith Conduct and Loss of Equity in Resolution Process." The Office of Administrative Hearings, called OAH, did not receive a response from the Respondents.

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 filed his motion for reconsideration within a reasonable time after the initial Order was issued. However, Student offers no new facts, circumstances, or law to support reconsideration. Instead, Student reasserts and reargues the same unconvincing points OAH has previously found unpersuasive.

For example, Student claims that, "OAH's prior order have not acknowledged nor reviewed," a specific list of alleged facts related to the Respondents' alleged bad faith actions. As Student concedes, these facts were all available and raised by Student in previous motions. As such, they do not form a valid basis for reconsideration.

Even considering Student's improperly raised arguments, Student argues that OAH failed to consider Student's evidence, because OAH did not agree with Student's position. Student is mistaken. OAH has considered the arguments and evidence Student submitted in previous motions, and found them not to be persuasive. Student's arguments on reconsideration are equally unavailing and are rejected.

Student also argued that he should be excused from participating in the required resolution session because of the Respondent's alleged bad faith conduct. Student asserts that, "this meeting no longer constitutes a 'resolution session' under the spirit or purpose of IDEA." Student also asserts that, "[u]nder IDEA [20 U.S.C.] §1415(f)(1)(B)(i) and 34 C.F.R. §300.510, the resolution process is valid only when conducted in good faith and in an environment of mutual trust and equity." However, Student provided no legal authority to support his interpretation of the cited portions of the IDEA and the corresponding regulation. Accordingly, Student's argument is not convincing.

Student further argues that the Respondents have engaged "multiple instances of bad faith litigation conduct…[which] represent[s] intentional misconduct that undermines the tribunal's authority, the parent's due process rights, and the credibility of the entire proceeding." However, OAH has addressed these arguments in multiple previous Orders, and Student provides no new facts, or any legal authority, here.

For example, Student argued that the Respondents reissued "defective subpoenas previously annulled by OAH." OAH's August 27, 2025 Order, quashed a specific set of subpoenas and specifically allowed for Adelanto, the only respondent at that time, to issue new subpoenas in the future. Student is aware of the August 27, 2025 Order, and has not provided any legal authority to support his position that the Respondents are unable to issue subpoenas.

OAH, through its October 22, and 28, November 13, 2025 Orders has also denied Student's motions to quash the only pending subpoenas OAH is currently aware of related to Cognitive Diagnostic Associates, and four of their assessors: Ashley Schwenn, Sarah Meeks, Chelsea Swopes, and Kathryn Haas. Student offers no new facts to justify reconsideration here.

Finally, Student asserts that his grandfather has been hospitalized and Parent is required to visit him daily. Without citing any legal authority, Student argues that he should be excused from participating in the required resolution session because of this situation. Student's arguments are not persuasive here.

OAH has previously granted Student's request for continuance through an order, dated October 16, 2025. OAH granted that continuance in part due to Student's grandfather's medical emergency. Based on the date Student filed his second amended complaint, and OAH's October 31, 2025 Order, which set the deadline for the resolution session at noon on November 18, 2025, Student will have had two months to attend the resolution session. Considering the totality of the circumstances, Student has not established that he is entitled to be excused from participation in the resolution session.

Overall, Student has failed to offer any new facts, circumstances, or law to establish that OAH's October 31, 2025 Order should be reconsidered. Even considering Student's improperly raised arguments, Student did not establish he is entitled to the relief that he seeks. Accordingly, Student's motion for reconsideration is DENIED.

ORDER

1. Student has not established the October 31, 2025 Order should be reconsidered.
2. The motion for reconsideration is DENIED.

3. OAH's October 31, 2025 Order is confirmed.

IT IS SO ORDERED.

Ashok Pathi

Ashok Pathi

Administrative Law Judge

Office of Administrative Hearings