BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

MT. DIABLO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025030573

ORDER DENYING REQUEST FOR RECONSIDERATION

MAY 22, 2025

On May 15, 2025, the Office of Administrative Hearings issued an order made by Administrative Law Judge Jennifer Kelly dated May 14, 2025, dismissing portions of Student's due process hearing request filed against Mt. Diablo Unified School District on the grounds they were barred by the statute of limitations and a lack of jurisdiction. Specifically, District's motion to dismiss Issues 2 and 12 was granted. District's motion to dismiss Issues 3, 4, 5, 6, 10 and 11 was also granted as to the period from the 2017-2018 school year through March 12, 2023. The Office of Administrative is called OAH. An administrative law judge is called an ALJ. Student's due process hearing request is called the complaint.

On May 21, 2025, Student filed a motion for reconsideration of the May 14, 2025 Order Partially Granting Motion to Dismiss Portions of Student's Complaint Based on

Statute of Limitations and Lack of Jurisdiction. Specifically, Student seeks reconsideration of the order dismissing Issue 2 and the partial dismissal of Issues, 3, 4, 5, 6, 10 and 11, and as part of that request, seeks a bifurcated hearing on the issues falling outside the statute of limitations. On May 21, 2025, District filed an opposition to the 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.)

DISCUSSION

ALJ Kelly is unavailable to rule on Student's motion of reconsideration. Student's motion for reconsideration is an improper attempt to argue the merits of the motion to dismiss. District's motion to dismiss was filed on May 1, 2025, and Student did not file any opposition to that motion. Student has not provided any explanation for her failure to file opposition to the motion or otherwise explain why her arguments were not presented earlier. Student has failed to demonstrate reconsideration is warranted because she has failed to establish there are new facts, circumstances or law justifying reconsideration. Student also requested bifurcation on the issue of the statute of limitations, citing no legal authority in support of the request. There is no basis for bifurcation of the hearing.

ORDER

Student has not established that the May 14, 2025 Order should be reconsidered. The motion for reconsideration is denied in its entirety. All dates set in this matter are confirmed.

IT IS SO ORDERED.

Laurie Gorsline

Laurie Gorsline
Administrative Law Judge
Office of Administrative Hearings