

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

DEL MAR UNION SCHOOL DISTRICT.

OAH CASE NUMBER 2024070763

ORDER DENYING REQUEST FOR RECONSIDERATION
ORDER DENYING CHALLENGE FOR CAUSE

SEPTEMBER 17, 2024

On August 9, 2024, Parent on behalf of Student filed a challenge for cause, seeking to disqualify Division Chief Administrative Law Judge Peter Paul Castillo from hearing this case. Parent contended that Division Chief Castillo has a history of bias against parents and students in special education proceedings and is in cahoots with the law firm of Fagen, Friedman and Fulfroost, which represents Del Mar Union School District, to deny all special education students and their parents their due process rights. Del Mar Union School District did not file a response.

On August 13, 2024, the undersigned Division Chief Administrative Law Judge issued an order that denied Parent's Motion to Recuse. On September 5, 2024, Parent

on behalf of Student filed a motion that requested that the Office of Administrative Hearings, known as OAH, reconsider the order that denied the recusal for cause motion. OAH did not receive a response from Del Mar Union School District.

APPLICABLE LAW AND DISCUSSION

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.)

Parent's Motion for Reconsideration consists of the same unsubstantiated claims against Division Chief Castillo and provides no additional facts or law that were not available to Parent in the August 9, 2024 motion.

ORDER

Parent on behalf of Student has not established the August 13, 2025 Order should be reconsidered. The motion for reconsideration is denied.

Peter Paul Castillo

Peter Paul Castillo

Division Chief Administrative Law Judge

Office of Administrative Hearings