

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 OF
NOTICE OF CASE DISMISSAL

SEPTEMBER 17, 2024

On July 22, 2024, Parent on behalf of Student filed a due process hearing Request, called a complaint, with the Office of Administrative Hearings, naming Del Mar Union School District. The Office of Administrative Hearings is called OAH. On August 6, 2022, Del Mar Union filed a Notice of Insufficiency as to the complaint. On August 8, 2024, OAH granted Del Mar Union's Notice of Insufficiency as Student's complaint failed "to describe how any of these alleged acts [by Del Mar Union] relate to the identification, evaluation, or educational placement of the Student, or the provision of a FAPE [free appropriate public education] to Student, to provide Del Mar Union with an awareness and understanding of the claims within OAH's jurisdiction." OAH's order gave Parent on behalf of Student 14 days to file an amended complaint and that failure

to file an amended complaint would cause OAH to dismiss of Student's complaint. Parent on behalf of Student did not file an amended complaint, and on August 27, 2027, OAH issued a Notice of Case Dismissal and closed Student's case.

On September 5, 2024, Parent on behalf of Student filed a Student's Motion to Vacate and Motion to Reconsider ALJ Castillo's Order To Dismiss Student's Due Process Complaint, which OAH is considering as Motion for Reconsideration. OAH did not receive a response from Del Mar Union.

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.)

The basis for Student's Motion for Reconsideration is that Division Chief Castillo should have recused himself from ruling on any motion in this case. On September 17, 2024, OAH denied Student's Motion for Reconsideration as to August 13, 2024, order that denied Parent's Motion to Recuse. In any event, Parent did not file an amended complaint on behalf of Student by August 22, 2024, so even if Division Chief Castillo did not issue the dismissal notice, another ALJ would have.

ORDER

Parents on behalf of Student has not established that the August 27, 2027, Notice of Case Dismissal should be reconsidered. The motion for reconsideration is denied.

Peter Paul Castillo

Peter Paul Castillo

Division Chief Administrative Law Judge

Office of Administrative Hearings