

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

THE CLASSICAL ACADEMIES.
OAH CASE NUMBER 2026061003

ORDER DENYING REQUEST FOR RECONSIDERATION

JULY 14, 2026

On July 8, 2026, the undersigned Administrative Law Judge issued an order determining Student's due process complaint sufficient due to The Classical Academies' failure to timely file its notice of insufficiency regarding what Student numbered Issues 1 and 4a. When The Classical Academies, called Charter, filed the notice of insufficiency, it made no assertions regarding the date on which it received Student's complaint, despite the date of receipt being the statutory benchmark for timely filing.

On July 13, 2026, Charter filed a motion for reconsideration, for the first time asserting it did not receive Student's complaint on the date it was filed and offering evidence of the time and date on which it was transmitted to Charter and the time and date Charter asserts it was electronically received by a Charter employee. Due to the need to proceed with a resolution session or mediation regarding Student's complaint

and the outcome of Charter's motion for reconsideration, this Order is issued without waiting for Student to file any response.

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.)

Charter's motion for reconsideration was filed within a reasonable time after the initial Order was issued. And Charter offers new facts it had not presented in its notice of insufficiency regarding the timing of when it received Student's complaint. Although Student filed the complaint at 4:59 PM on Friday, June 19, 2026, which was not a State holiday, Student did not transmit the complaint to Charter by email until 5:06 PM that date and it was not seen by a Charter employee until Monday, June 22, 2026.

However, Charter failed to establish why with the exercise of reasonable diligence it could not have presented these new facts in its original filing. Charter's only explanation is that it "believed that consistent with Student's after-hours service of the Complaint on it, Student likewise filed the Complaint with OAH after the close of business" and the argument that "in similar circumstances, OAH has treated pleadings submitted after regular business hours as filed on the next business day."

Charter correctly cites the law regarding the time limit to file a notice of insufficiency as within 15 days of receiving the complaint. (20 U.S.C. § 1415(c)(2)(C); Ed. Code, § 56502, subd. (d)(1).) But Charter failed in its notice of insufficiency to

establish when it received the complaint and relied on an assumption regarding the time of filing without verifying. Charter has failed to provide a satisfactory explanation for its failure to include in its original filing all necessary facts and evidence regarding when it received the complaint.

ORDER

Charter has not established the July 8, 2026 Order Determining Due Process Complaint Sufficient should be reconsidered. The motion for reconsideration is denied. All dates set in this matter are confirmed.

Kara Hatfield

Kara Hatfield

Administrative Law Judge

Office of Administrative Hearings