BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

CUPERTINO UNION SCHOOL DISTRICT.

OAH CASE NUMBER 2025041265

ORDER DENYING REQUEST FOR RECONSIDERATION

MAY 29, 2025

Student filed his due process hearing request, called the complaint, with the Office of Administrative Hearings, called OAH, on April 29, 2025, naming Cupertino Union School District, called Cupertino. OAH determined the complaint included an expedited issue, and set an expedited due process hearing.

On May 6, 2025, Cupertino filed a Motion to Dismiss all 13 issues in the complaint. Student filed an opposition to the motion. At the May 19, 2025 expedited prehearing conference, the undersigned Administrative Law Judge, called the ALJ, issued a verbal order partially granting Cupertino's motion to dismiss only as to Student's issue one. On May 27, 2025, OAH issued the Order Partially Granting Motion to Dismiss for Lack of Jurisdiction, memorializing in writing the ALJ's verbal ruling on Cupertino's motion to dismiss. On May 28, 2025, Cupertino filed its Request for Reconsideration of

Order Denying Motion to Dismiss Issue Two of Petitioner's Complaint, called the motion for reconsideration.

On June 2, 2025, Student filed an opposition to the motion for reconsideration. Student's opposition contends Cupertino's motion for reconsideration failed to present any new or different facts, circumstances, or law justifying reconsideration. Student's opposition also contends the complaint alleges Student was informally expelled or suspended from a portion of his school day for over 10 school days due to his conduct. Student further contends OAH has jurisdiction over issue two, which addresses the removal of Student from a portion of his school day due to his conduct, pursuant to title 20 United States Code section 1415(k).

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 10 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.)

Reconsideration is not warranted because Cupertino's motion for reconsideration offered no new facts, circumstances or law to justify or support reconsideration.

ORDER

Cupertino Union School District failed to establish that the ALJ's May 19, 2025 verbal Order and the May 27, 2025 written Order Partially Granting Motion to Dismiss

for Lack of Jurisdiction should be reconsidered. Therefore, the motion for reconsideration is denied. All dates set in this matter are confirmed.

IT IS SO ORDERED.

Christine Arden

Christine Arden
Administrative Law Judge
Office of Administrative Hearings