BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

YMCA SILICON VALLEY.

OAH CASE NUMBER 2025090579

ORDER GRANTING RECONSIDERATION AND CONFIRMING PRIOR ORDER

SEPTEMBER 29, 2025

On September 25, 2025, the undersigned Administrative Law Judge, called the ALJ, issued an order dismissing YMCA Silicon Valley as a party for lack of jurisdiction and dismissing Student's due process hearing request, called a complaint. On September 26, 2025, Student filed a motion to reconsider and appeal that order. Also on September 26, 2025, Student filed another complaint against YMCA Silicon Valley.

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.)

Student timely moves for reconsideration of the Order on several grounds. First, that OAH issued without waiting a period for Student to file opposition. Second, that Student has new facts about service on YMCA Silicon Valley. And third, that the ALJ's order was incorrect on the law.

In support of the motion for reconsideration, Student submits unidentified and unauthenticated documents purporting to be a contract between a school district and YMCA Silicon Valley, and a brochure about YMCA Silicon Valley's after school programs. Student also submits a sworn declaration of Parent that the September 25, 2025 Order contains "glaring errors" and complains of dates in Student's case being vacated.

With regard to Student's first ground, that there was a procedural error, Student's contention is considered and rejected. OAH had dismissed a prior complaint filed by Parent on behalf of Student against YMCA Silicon Valley on the ground that OAH does not have jurisdiction over YMCA Silicon Valley. The September 25, 2025 Order was the second dismissal Order explaining to Parent on behalf of Student that OAH does not have jurisdiction over YMCA Silicon Valley because it is not a public agency responsible for offering or providing Student with a free appropriate education, called a FAPE. Where a dismissal is jurisdictional, and Student has previously had an opportunity to be heard on exactly the same matter, OAH may issue an order dismissing the due process hearing request on its own, without pause for briefing by the parties.

As to the second ground, the additional facts regarding service are irrelevant to the September 25, 2025 Order. The Order stated in pertinent part:

As the motion was determined on the basis of lack of jurisdiction, YMCA's other grounds for dismissal will not be addressed.

The dismissal in the September 25, 2025 Order was not based on the ground that YMCA Silicon Valley was not properly served, and new information regarding service does not address, or remedy, the lack of OAH jurisdiction.

Lastly, the law cited by Student is not new, focusing in large part on YMCA's purported public agency obligations which do not include providing children with disabilities with a FAPE. Exhibit A to Student's motion is not new and was attached to Student's complaint. Exhibit B is a brochure for one YMCA Silicon Valley programs that makes no reference to that agency having any obligation under the Individuals with Disabilities Education Act, or IDEA (20 U.S.C. § 1400, et seq.). In fact, the few references to the California Education Code in Exhibit B are not contained in the special education section of the Education Code. Student may or may not have non-IDEA claims against YMCA Silicon Valley, but OAH does not have jurisdiction over public agencies not required under the IDEA to provide a FAPE to children with disabilities, and OAH is not the forum for those claims.

To the extent Student contends that the undersigned administrative law judge misinterpreted or misapplied the law, that is not a basis for reconsideration, but for seeking review, if and to the extent available. OAH is not the forum for appeal of an OAH Order.

Accordingly, on reconsideration, the September 25, 2025 Order is confirmed in its entirety.

In addition, the third complaint filed by Parent with the motion for reconsideration is rejected and OAH will not accept any further complaints by Student

against YMCA Silicon Valley. Continued attempts to file IDEA complaints with OAH against YMCA Silicon Valley may subject Parent to sanctions.

IT IS SO ORDERED.

Alexa Hohensee

Alexa Hohensee
Administrative Law Judge
Office of Administrative Hearings