BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

OJAI UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025050562

ORDER GRANTING REQUEST FOR RECONSIDERATION VACATING DISMISSAL OF STUDENT'S CASE AND DEEMING THE SECOND AMENDED COMPLAINT FILED

AUGUST 15, 2025

On May 12, 2025, Student through Father filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Ojai Unified School District. At the prehearing conference on June 23, 2025, OAH granted the parties' request for mediation on August 11, 2025, and continued the hearing to begin on August 26, 2025.

On July 7, 2025, OAH granted Student's motion to amend. The Order deemed the amended complaint filed on July 7, 2025, and ordered that the entirety of the amended complaint consisted only of the document entitled, "Proposed Amended

Complaint" and did not include the incorporation any other documents, whether referenced or not.

On July 22, 2025, District filed a notice of insufficiency as to the amended complaint. On July 28, 2025, OAH issued an Order Determining Due Process Complaint Insufficient as to claims one through ten. The Order stated that Student would be permitted to file a second amended complaint not later than ten calendar days from the date of the Order, and if the second amended complaint was not timely filed, the matter would be dismissed. OAH confirmed that the August 11, 2025 mediation would proceed as scheduled unless cancelled by a party or OAH.

On August 7, 2025, at 11:48 PM, Student submitted his second amended due process complaint to OAH. Student also submitted an email showing confirmation of the filing from OAH. At 1:24 AM on August 8, 2025, Student submitted a master exhibit list and eight documents which are purportedly exhibits referenced in the second amended complaint.

On August 8, 2025, OAH dismissed Student's case because the second amended due process complaint was not filed before the close of business on August 7, 2025. The same day, District also notified OAH in writing that it was cancelling the August 11, 2025 mediation. District also stated that it had received the "attempted amended complaint" at 11:55 PM on August 7, 2025.

On August 8, 2025, Student filed a "Request for Acceptance of Second Amended Complaint as Timely Filed," which OAH interprets as a motion for reconsideration of the August 8, 2025 OAH Order dismissing his case. Student argues that the July 28, 2025 Order did not specify that the second amended due process complaint had to be filed by any particular time on August 7, 2025, and that he filed his complaint on August 7,

2025 before midnight. Student claims he acted in good faith, working late into the evening to meet the deadline and was not aware of any policy that required the filing to be made prior to 5:00 PM. Student claims there is no prejudice to District because they received the filing on August 7, 2025. Student requests that OAH deem the second amended due process complaint timely filed and deny District's request to cancel the August 11, 2025 mediation.

OAH did not receive a response to the motion for reconsideration from District.

APPLICABLE LAW

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.)

DISCUSSION

Student submitted his second amended due process complaint to OAH within ten calendar days of the July 28, 2025 Order – just before midnight on August 7, 2025. The July 28, 2025 Order did not specify that Student had to file his second amended due process complaint by 5:00 PM, and Parent as a self-represented party, was unaware that OAH treats documents filed after 5:00 PM as having been filed the next business day. These facts warrant reconsideration of the August 8, 2025 dismissal of Student's case and setting aside OAH's order of dismissal.

However, the other documents filed at 1:24 PM on August 8, 2025, specifically, the master exhibit list and eight purported exhibits, were not timely filed. There was also no valid proof of service filed for those documents, and they were not properly labeled or marked with an identifying title or exhibit number. The proof of service attached to the master exhibit list does not contain a valid or accurate date of service. It also lists the master exhibit list and nine exhibits, but OAH only received eight unidentified and unlabeled loose documents, not nine. Student should be also aware that OAH does not consider exhibits, even if timely filed, to comprise part of a due process complaint. Exhibits should only be attached to a motion, if they support the motion or to an opposition to a motion, if they support the opposition, or uploaded into Case Center as exhibits for hearing, at least five business days before the hearing.

As such, the master exhibit list and purported exhibits filed on Student's behalf on August 8, 2025, are not considered by OAH to be a part of the second amended due process complaint. The second amended due process complaint consists only of the six-page document filed on August 7, 2025, at 11:48 PM, and shall not include any other documents referenced in the second amended complaint.

Student's request to deny District's request to cancel the August 11, 2025 mediation is denied. Mediation is voluntary and both parties must agree to mediate before OAH will schedule a mediation. As such, either party has the right to cancel a scheduled mediation. Because OAH dismissed Student's case on August 8, 2025, the mediation was deemed cancelled by operation of law, separate and apart from District's cancellation request.

If the parties still desire to attempt to resolve the dispute through mediation, they may meet and confer and agree upon a date and time for mediation and submit to OAH a joint request for mediation.

The parties are reminded that OAH provides trained mediators at no cost to the parties. Mediation is a process during which the parties attempt to reach a mutually acceptable resolution to their dispute. The Mediator assists and guides the parties' discussion towards a resolution. The Mediator is neutral and skilled in methods of facilitating effective communication between the parties. In mediation, the parties determine if a resolution is reached, and if so, the terms of their agreement. Mediation in special education cases has produced mutually satisfactory resolutions in the vast majority of cases. OAH strongly encourages participation in mediation. If mediation is unsuccessful, the matter will proceed to the prehearing conference and due process hearing. Parties must ask OAH in writing to schedule mediation. The parties are encouraged to work together to find a mutually acceptable date for mediation. The joint request for mediation must be made in writing to OAH via U.S. mail or Secure e-File Transfer system at https://www.applications.dgs.ca.gov/OAH/OAHSFTWeb/Account/Login. OAH will promptly notify the parties as to the status of their requested mediation date. Self-represented parents or guardians may also contact the case manager listed on the Scheduling Order for assistance in scheduling the mediation.

The parties are also reminded that California Education Code section 56502, subdivision (h), provides that the Superintendent or his or her designee shall provide both parties with a list of persons and organizations with the geographical area that can provide free or reduced cost representation or other assistance in preparing for the due process hearing. This list shall include a brief description of the requirement to qualify for the services.

The lists for Low-Cost or Free Attorneys and Advocates for Special Education are available on the OAH website at https://www.dgs.ca.gov/en/OAH/Case-Types/Special-

Education/Services/Page-Content/Special-Education-Services-List-Folder/Access-List-of-Low-Cost-or-Free-Attorneys-and-Advocates-for-Special-Education or by contacting OAH Sacramento Special Education Division at 916-263-0880.

Finally, the parties should be aware all documents ordered to be filed on a particular date are due by 5:00 PM, unless a different time is specified, to be considered timely filed. All documents filed after 5:00 PM will be deemed filed the following business day, unless otherwise ordered.

Both parties are ordered to read and familiarize themselves with the OAH policies and procedures in the Orders sent to the parties with the initial Scheduling Order on May 15, 2025.

ORDER

1. Student's motion for reconsideration is granted.
2. The OAH order dismissing Student's case is vacated, and the matter is placed back on OAH's hearing calendar docket.
3. The second amended due process complaint, the entirety of which consists only of the six-page document filed on August 7, 2025, at 11:48 PM, and shall not include any other documents referenced in the second amended due process complaint, is deemed filed on the date of this order.
4. All applicable timelines shall be reset as of the date of this order.
5. OAH will issue a scheduling order with the new dates.
6. Student's request to deny District's request to cancel the August 11, 2025 mediation is denied. If both parties agree to mediate, the parties may submit a new joint request for mediation signed by both parties with an agreed upon mediation date and time.

7. Unless a different time is specified, all documents OAH or any OAH Administrative Law Judge orders to be filed by a particular date must be received by OAH by 5:00 PM on that date to be considered timely filed. All documents submitted to OAH after 5:00 PM will be deemed filed the following business day, unless otherwise ordered.
8. Both parties are ordered to read and familiarize themselves with the OAH policies and procedures in the Orders sent to the parties with the initial Scheduling Order on May 15, 2025.

IT IS SO ORDERED.

Laurie Gorsline

Laurie Gorsline

Administrative Law Judge

Office of Administrative Hearings