BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

MT. DIABLO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025070018

ORDER DENYING REQUEST FOR INTERIM RELIEF OF PLACEMENT AT NORTHGATE HIGH SCHOOL AND DENYING REQUEST FOR STAY PUT RECONSIDERATION

OCTOBER 7, 2025

On June 30, 2025, Parent, on behalf of Student, filed a request for due process hearing, also called a complaint, with the Office of Administrative Hearings, called OAH, naming Mount Diablo Unified School District as respondent. On October 2, 2025, Student filed a request for interim relief, seeking a temporary order requiring Mount Diablo to place Student at Northgate High School pending the outcome of the due process hearing. On October 3, 2025, Mount Diablo opposed Student's request for interim relief. On October 3, 2025, Student filed a reply to Mount Diablo's

opposition. Student's reply appears to be a request for reconsideration of the September 30, 2025 Stay Put denial.

REQUEST FOR PLACEMENT AT NORTHGATE HIGH SCHOOL AS INTERIM RELIEF

Student acknowledges that his request for stay put at Northgate was denied on September 30, 2025. Student's moving papers base this request on United States Code, title 20, section 1415(i)(2); and Code of Federal Regulations, title 34, section 300.518; as well as Section 504 of the Rehabilitation Act (29 U.S.C. § 794), Title II of the ADA, and California Education Code §§ 56000 et seq. OAH's special education division does not have jurisdiction over claims asserted under either Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act. (*Wyner v. Manhattan Beach Unified School. Dist.* (9th Cir. 2000) 223 F.3d 1026, 1028-1029.) The cited code sections pertain the right to file civil complaints in state or federal court, following an administrative hearing Decision (20 U.S.C. § 1415(i)(2); and stay put rights (34 C.F.R. § 300.518.) Student also cites to California Education Code §§ 5600 *et seq.* which is the full range of statutes detailing California special education laws

Student cites no specific section of California's special education law that authorizes OAH to provide interim relief as to placement when Stay Put has previously been denied. Although Student states the motion is "not a motion to reopen Stay Put", the fundamental request of this motion is nearly identical to Student's previously denied motion for Stay Put. The only different is Student attempts to limit the relief to the period encompassed only by the Administrative Hearing. Student cites no legal authority allowing OAH to issue such an order.

REQUEST FOR RECONSIDERATION OF STAY PUT ORDER

Student's reply brief is treated as a request for reconsideration of the Stay Put Order as it reiterates general assertions regarding stay put law and Student's assertions that his stay put placement at Northgate High School is necessary.

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.) Here Student's reply to Mount Diablo's opposition offers no new facts, or new law, to be considered regarding the previously denied motion for Stay Put.

All of Student's reply brief arguments have been previously considered. Student offers nothing new and no declaration offering reasons why the previously denied Stay Put should be reconsidered. The request to reconsider the prior stay put order is denied.

ORDER

1. Student's motion for interim relief in the form of Placement at Northgate High School is denied.
2. The request for reconsideration of the September 30, 2025 Stay Put order denying Stay Put placement at Northgate is denied.

3. All currently scheduled dates are confirmed, and the case shall proceed accordingly.

Penelope Pahl

Penelope S. Pahl
Administrative Law Judge
Office of Administrative Hearings