BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

STUDENT,

v.

LONG BEACH UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025020643

ORDER DENYING REQUEST FOR CLARIFICATION AND RECONSIDERATION

MAY 29, 2025

On May 5, 2025, the undersigned Administrative Law Judge issued an order denying Student's motion to amend complaint. On May 19, 2025, Parent filed a motion for clarification and reconsideration. On May 21, 2025, Long Beach Unified School District, called Long Beach, filed an opposition.

The Office of Administrative Hearings, called 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, 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.)

The motion was not filed within a reasonable time after the initial order was issued on May 5, 2025. Parent did not establish a reasonable basis for filing the motion for reconsideration 14-days thereafter on May 19, 2025.

Further, Parent did not establish that clarification or reconsideration of the May 5, 2025, order denying Student's motion to amend is warranted. Parent did not raise any new or different facts, circumstances, or law justifying reconsideration. Parent argues OAH's April 9, 2025, order denying Long Beach's motion to dismiss the complaint authorizes her to file an amended complaint adding herself as petitioner. OAH's April 9, 2025, order determined it was unclear based on the complaint whether attorney Madeline Knutson and her office represents only Parent, or Parent and Student. The complaint was filed by Student through his attorneys Timothy A. Adams and associates, indicating an attorney-client relationship between Student and Knutson and her office. On that basis, OAH denied Long Beach's motion to dismiss the complaint and confirmed the matter would proceed with Student as the sole petitioner. In the event the complaint was intended to be filed by Parent, Student could file an amended complaint adding Parent as a petitioner.

Parent does not argue that Student assigned his educational rights to Parent or is conserved. Knutson and her office do not purport to represent Student. Parent's motion cites no legal authority authorizing Parent to amend the complaint on Student's behalf where she does not hold Student's educational rights or is not acting as his conservator, and where her attorneys do not represent Student.

Parent's argument that OAH's scheduling order and subsequent orders reference Parent in the caption is not persuasive or determinative of this issue. The petitioner, not OAH, is responsible for naming the correct party. Here, the complaint identifies Student as the sole petitioner. Parent may file a separate complaint asserting her claim for reimbursement of educational expenses incurred on Student's behalf before he reached the age of majority. Alternatively, Student may amend the complaint to add Parent as a petitioner consistent with OAH's April 9, 2025, order. Any motion to amend the complaint shall be supported by a declaration under penalty of perjury by Student or his attorney of record reflecting Student's intention to amend the complaint. Any declaration filed by Student's attorney of record shall confirm they are authorized to represent Student in this matter.

ORDER

Parent has not established the May 5, 2025, order should be clarified or reconsidered. The motion for clarification or reconsideration is denied. All dates set in this matter are confirmed and shall proceed as to Student.

Jennifer Kelly

Jennifer Kelly
Administrative Law Judge
Office of Administrative Hearings