BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

LOS ALAMITOS UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2019060344

ORDER GRANTING REQUEST FOR RECONSIDERATION AND DENYING REQUEST TO AMEND COMPLAINT

On November 7, 2019, the undersigned Administrative Law Judge issued an order denying Student's motion to amend complaint. On November 7, 2019, Student file a motion for reconsideration with the Office of Administrative Hearings, referred to as OAH.

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

RECONSIDERATION

Student's motion for reconsideration was timely filed and offers new facts and circumstances. Specifically, Student argues the amended complaint raised issues that occurred after the initial complaint was filed, and "as late as yesterday, after the [amended complaint] was filed, additional issues came to Student's attention." Accordingly, Student has alleged new facts and the motion for reconsideration is granted.

MOTION TO AMEND

An amended complaint may be filed when the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or when the hearing officer grants permission. The hearing officer may grant permission at any time more than five days before the due process hearing. (20 U.S.C. §1415(c)(2)(E)(i).) The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).)

On June 7, 2019, Student filed a complaint with OAH, naming Los Alamitos Unified School District. On July 17, 2019, OAH granted the parties' joint request for continuance. On November 4, 2019, OAH held a Prehearing Conference for this matter, during which Student informed OAH she would not be submitting any prehearing motions.

On November 4, 2019, OAH ordered that any motion that was not filed three business days before the Prehearing Conference, shall be supported by a declaration establishing good cause why the motion was not filed before the Prehearing Conference. Despite Student's assertions, there is no exception to this requirement in the Prehearing Conference Order, which takes precedence over prior OAH Orders.

On November 6, 2019, Student filed an amended complaint without a consent for amendment or a declaration. On November 7, 2019, Student filed a declaration that failed to establish why the motion was not filed before the Prehearing Conference. Student now argues that facts continuously arise, as recent as November 7, 2019, which support new issues against Los Alamitos. On this basis, Student asserts OAH should permit Student to amend the complaint.

However, by this logic, hearings could be extended indefinitely to include unlimited issues. Student's complaint included a finite time frame, and the amended complaint does not include new issues for that time frame. OAH is obligated to provide a speedy resolution to due process complaints. Extending due process each time a later issue arises would defeat that obligation. Consequently, Student's motion to amend is denied.

ORDER

1. Student's motion for reconsideration is granted.

2. Student's motion to amend is denied. All dates set in this matter are confirmed.

DocuSigned by:
Paul Kamoroff
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DATED: November 8, 2019

Paul H. Kamoroff
Administrative Law Judge
Office of Administrative Hearings