BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2019090699

ORDER DENYING REQUEST FOR RECONSIDERATION

JUNE 09, 2020

On June 8, 2020, the undersigned Administrative Law Judge issued an order denying Student's Second Motion to Amend his Complaint. On June 8, 2020, Student filed a Motion for Reconsideration on Second Motion to Amend his Complaint. The Office of Administrative Hearings did not receive a response from Los Angeles Unified School District.

APPLICABLE LAW

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.)

DISCUSSION

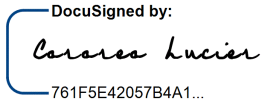
Student offers no new facts, circumstances or law to support reconsideration. The IDEA does not mandate an automatic right to amend a due process complaint. Such an interpretation of the IDEA is contrary to the plain language of the statute. Congress denoted some aspects of title 20 United States Code section 1415 that are mandatory by using the word "shall," and others that are discretionary by using the word "may." (20 U.S.C. §1415.) With respect to amending a complaint, a party "may" amend a complaint under certain circumstances, but is not afforded an absolute right to amend in perpetuity. (20 U.S.C. §1415(c)(2)(E)(i).) Amending a complaint delays the resolution of a special education dispute and must be weighed against the mandate for a speedy resolution of such disputes. (20 U.S.C. §1415(c)(2)(E)(i)(II); Ed. Code, § 56505, subd. (f)(3).) The Administrative Law Judge retains discretion to deny a motion to amend.

Student retains the right to file a complaint with respect to any issues that arose after his filing of the first amended complaint, including substantive issues relating to the May 2020 Individualized Education Program, and Student's services during the school closures due to the Covid-19 pandemic and public health emergency.

ORDER

Student has not established the June 8, 2020, Order should be reconsidered. The motion for reconsideration is denied. All dates set in this matter are confirmed.

IT IS SO ORDERED.



Cararea Lucier

Administrative Law Judge

Office of Administrative Hearings