

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 NO. 2010041070

ORDER DENYING STUDENT'S
MOTION FOR RECONSIDERATION

On May 10, 2010, the undersigned Administrative Law Judge (ALJ) issued an order finding that Student's complaint was insufficient and giving Student 14 days to file an amended complaint. On May 14, 2010, Student filed a motion for reconsideration, and on May 15, 2010, filed an amended motion for reconsideration. On May 18, 2010, Los Angeles Unified School District (District) filed an opposition to the motion.

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. (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 AND ORDER

In his motion, Student asserts that this ALJ failed to consider that Student not only wished to have his magnet points restored, but that he was seeking admittance into the Palms Magnet School on the basis of his restored magnet points. Because he was seeking relief in relation to an educational placement, Student contends his complaint was sufficient, as the law provides that he may file a complaint respecting "any matter" relating to the identification, evaluation, or educational placement of a child "or" a FAPE. However, as set forth in the Order of Determination of Sufficiency of the Due Process Complaint (Order), Student was required to set forth in his complaint (1) a description of the nature of the problem of the child relating to the proposed initiation or change concerning the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education (FAPE) to the child; (2) facts relating to the problem; and (3) a

proposed resolution of the problem to the extent known and available to the party at the time.¹ It is unclear from the complaint, assuming he is making an educational placement argument, how the magnet points or the admittance into the Palms Magnet School, related in any way, for example, to an IEP meeting where placement was discussed, dates or times of requested IEP meetings to discuss placement, or any proposed placements discussed or determined by the IEP team. In short, Student's complaint was insufficiently pled, and Student has alleged no new facts, circumstances, or law to warrant a reconsideration of the Order. Pursuant to the Order, Student has 14 days from the date of the Order to amend his complaint. Should Student require mediator assistance to help him prepare an amended complaint, Student is strongly encouraged to contact OAH for assistance.

Accordingly, Student's motion for reconsideration is denied.

IT IS SO ORDERED.

Dated: May 19, 2010

/s/

CARLA L. GARRETT
Administrative Law Judge
Office of Administrative Hearings

¹ 20 U.S.C. § 1415(b)(7)(A)(ii)(III) & (IV)