

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT on behalf of STUDENT,

vs.

CAMBRIAN ELEMENTARY SCHOOL
DISTRICT,

OAH CASE NO. 2009080375

CAMBRIAN ELEMENTARY SCHOOL
DISTRICT,

vs.

PARENT on behalf of STUDENT.

OAH CASE NO. 2009090090

ORDER GRANTING REQUEST FOR
RECONSIDERATION

On September 15, 2009, the undersigned administrative law judge issued an order denying Student's request for stay put. On September 23, 2009, Student's attorney filed a motion for reconsideration on behalf of Student. On September 28, 2009, the 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).

DISCUSSION AND ORDER

Student requests that the ALJ take a closer look at the case law cited, including the recent Ninth Circuit decision, *Joshua A. v. Rocklin School District* (9th Cir. 2009) 559 F.3d 1036. On reconsideration of Student's request, it appears that Student's arguments as presented in the initial stay put motion are worthy of reconsideration, specifically as to whether Student's placement pending resolution of this due process complaint constitutes a unilateral placement by his parents or is a status quo placement to be recognized as stay put.

Accordingly, Student's request for reconsideration is granted.

It is so ordered.

Dated: September 30, 2009

/s/

JUDITH PASEWARK
Administrative Law Judge
Office of Administrative Hearings