

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL  
DISTRICT AND IVY BOUND ACADEMY  
CHARTER SCHOOL.

OAH CASE NO. 2010091075

ORDER DENYING REQUEST FOR  
RECONSIDERATION

On March 17, 2011, Ivy Bound Academy Charter School (Ivy Bound) filed a motion to dismiss, which contended that it was not a responsible local education agency (LEA) for 2008-2009 school year (SY) through the present. Ivy Bound asserted that it notified Mother at the end of SY 2007-2008 that it was not offering an eighth grade, Student needed to enroll at another school, and therefore the Los Angeles Unified School District (District) became the responsible LEA. On March 22, 2011, the District filed an opposition on the grounds that triable issues for hearing exist as to whether Ivy Bound was a responsible LEA for SY 2008-2009 through the present because Ivy Bound never informed the District of Student's return. Student did not submit a response. On April 1, 2011, the undersigned administrative law judge denied Ivy Bound's motion to dismiss.

On April 14, 2011, Ivy Bound filed a request for reconsideration, asserting that it was not Student's responsible local education agency. On April 20, the District filed an opposition to the request. Student did not submit a response.

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

Ivy Bound did not establish any new facts, circumstances or law warranting reconsideration. Ivy Bound contends that Education Code, section 47605, subdivision (d)(3), only required it to notify the District that Student was not attending Ivy Bound if Student left Ivy Bound during the middle of school year, and not at the end of school year as occurred in this matter. However, Education Code, section 47605, subdivision (d)(3), provides three alternate notification requirements, separated by the use of “or,” that apply if a student is expelled, fails to graduate or fails to complete the school year. Because Student did not graduate after completing the seventh grade, a triable issue for hearing exists as to whether Ivy Bound needed to notify the District that Student would not attend Ivy Bound for SY 2008-2009. Further, regarding Ivy Bound’s responsibility for special education services as a charter school, a triable issue exists because Ivy Bound did not present evidence regarding any agreement between the District and Ivy Bound regarding the responsibility for the provision of these services.

Accordingly, Ivy Bound’s request for reconsideration is Denied.

Dated: April 21, 2011

/s/

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PETER PAUL CASTILLO  
Administrative Law Judge  
Office of Administrative Hearings