

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ANTELOPE VALLEY UNION HIGH  
SCHOOL DISTRICT AND LANCASTER  
SCHOOL DISTRICT.

OAH CASE NO. 2011061136

ORDER DENYING REQUEST FOR  
RECONSIDERATION

On July 20, 2011, the undersigned administrative law judge issued an order that granted in part and denied in part Student's motion for stay put against the Antelope Valley Union High School District (Antelope Valley) and the Lancaster School District (Lancaster). On July 20, 2011, Student filed a motion for reconsideration, which requested a reconsideration of the part of the order that denied Student's request to remain at the Linda Verde Center as her stay put placement. Neither Antelope Valley nor Lancaster filed 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

Student alleges no new facts, circumstances, or law in support of the request reconsideration. Student objects to Antelope Valley's proposed placement at Antelope Valley High School (AVHS) because its physical facilities are not as safe to Student as is Lancaster's Linda Verde Center. For example, AVHS does not have indoor recreational facilities, which would require Student to be outside in the heat and she is very heat intolerant. While these safety concerns are appropriate issues to be considered in developing

an IEP (*Lillbask v. Connecticut Dept. of Education* (2d Cir. 2005) 397 F.3d. 77, 93), Student's concerns were raised in the motion for stay put and rejected as reason why Student needed to remain at the Linda Verde Center, her eighth grade placement in an elementary school district, and could not attend AVHS for ninth grade in the high school district. Accordingly, Student's request for reconsideration is denied.

IT IS SO ORDERED.

Dated: July 25, 2011

/s/

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PETER PAUL CASTILLO  
Administrative Law Judge  
Office of Administrative Hearings