

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

LUCIA MAR UNIFIED SCHOOL  
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2011070196

ORDER DENYING REQUEST FOR  
RECONSIDERATION OF ORDER  
DENYING STUDENT'S SECOND  
MOTION FOR STAY PUT

On July 7, 2011, the Lucia Mar Unified School District (District) filed its complaint in this matter.

Student filed a Motion for Stay Put on March 14, 2012, which was denied on March 21, 2012.

On May 2, 3, 8, 9, 10, 15 and 22, 2012, the due process hearing was held. Final briefing is due on June 22, 2012.

On May 29, 2012, Student filed a second motion for stay put. The District filed an opposition on June 1, 2012, and Student filed a reply on June 7, 2012.

On June 12, 2012, the undersigned ALJ issued an order denying Student's second motion for stay put. On June 18, 2012, Student filed a request for reconsideration of that order, and on June 21, 2012, the District filed an opposition to the request.

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's stay-put rights were extensively briefed in connection with her first motion for stay put. Student's second motion for stay put was 293 pages long, with exhibits. On both motions Student also filed substantial replies.

This matter has been thoroughly considered. Student's motion for reconsideration alleges no new facts, circumstances or law that would support reconsideration. Student's motion instead disputes the order denying the second stay put motion and repeats, embellishes, or modifies arguments previously made and considered.

The motion for reconsideration is denied.

IT IS SO ORDERED.

Dated: June 21, 2012

/s/

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CHARLES MARSON  
Administrative Law Judge  
Office of Administrative Hearings