

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SANTA MONICA-MALIBU UNIFIED
SCHOOL DISTRICT.

OAH CASE NO. 2011091066

ORDER DENYING DISTRICT'S
REQUEST FOR RECONSIDERATION
AND DENYING STUDENT'S
REQUEST FOR SANCTIONS

On October 14, 2011, the undersigned administrative law judge (ALJ) issued a Stay Put Order in the above matter (October 14, 2011 order). On October 24, 2011, Santa Monica-Malibu Unified School District (District) filed a motion for reconsideration and clarification of the October 14, 2011 order. On October 27, 2011, Parent on behalf of Student (Student) filed an opposition to District's motion for reconsideration and clarification, a motion of its own for reconsideration, and a motion for sanctions. On November 8, 2011, the undersigned ALJ issued an order reconsidering and clarifying the October 14, 2011 order (November 8, 2011 order). On November 21, 2011, District filed a motion for reconsideration of the November 8, 2011 order. On November 28, 2011, Student filed an opposition to the motion for reconsideration and a request for sanctions. On December 1, 2011, District filed a reply to Student's opposition. Student filed its own reply brief on December 2, 2011.

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

Here, the motion for reconsideration does not present any new or different facts or circumstances warranting reconsideration of the November 8, 2011 order. As to sanctions, although the various filings by both parties continue to reflect tension between the parties, the evidence does not demonstrate conduct warranting sanctions on the part of either attorney or party.

ORDER

1. District's motion for reconsideration is denied.
2. Student's request for sanctions is denied.

Dated: December 5, 2011

GLYNDA B.GOMEZ
Administrative Law Judge I
Office of Administrative Hearings