

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SACRAMENTO CITY UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2011100043

ORDER GRANTING REQUEST FOR
RECONSIDERATION AND ORDER
FOR SUPPLEMENTAL BRIEFING ON
MOTION FOR STAY PUT

On October 10, 2011, the undersigned administrative law judge issued an order denying Student's Motion for Stay Put (first motion) because insufficient evidence was submitted. At that time the Sacramento City Unified School District (District) had not responded to Student's Motion for Stay Put. On October 12, 2011, Student filed a motion for reconsideration. District has filed no response to the Motion for Reconsideration.

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

Student's first Motion for Stay Put had a copy of the Student's March 14, 2011 individualized educational program (IEP). In her Motion for Reconsideration, Student attached a different copy of the same IEP that is signed by Parent and members of the IEP team, Student explained that she did not have the signed version of the IEP when she submitted the first motion. Notwithstanding these signatures, there are still elements of the IEP missing. The determination of eligibility is completed within the document, but no signatures are found showing agreement to the determination of eligibility. Furthermore, the pages of the IEP are unnumbered, making it impossible to determine whether all pages of the IEP have been submitted. Additional information is required before a ruling may be made on

the pleadings. Accordingly, Student's Motion for reconsideration is granted and the parties are ordered to provide supplemental briefing on Student's Motion for Stay Put.

ORDER

Student's request for reconsideration is Granted.

Within five business days of this order, each party shall provide briefing regarding Student's placement prior to Student's request for due process hearing filed October 29, 2011. District is ordered to submit a sworn declaration of what was Student's last agreed upon and implemented IEP and submit a copy of Student's March 14, 2011 IEP. Student is ordered to submit a sworn declaration that the March 14, 2011 IEP was implemented by District.

IT IS SO ORDERED.

Dated: October 14, 2011

/s/

MICHAEL G. BARTH
Administrative Law Judge
Office of Administrative Hearings