

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ROSEVILLE JOINT UNIFIED SCHOOL
DISTRICT, ROCKLIN UNIFIED SCHOOL
DISTRICT AND PLACER COUNTY
OFFICE OF EDUCATION.

OAH CASE NO. 2012031279

ORDER GRANTING REQUEST FOR
RECONSIDERATION

On April 10, 2012, the undersigned administrative law judge issued an order denying Student's motion for stay put. On April 11, 2012, Student filed a Reply to the Opposition to her Stay Put Motion. On April 12, 2012, Student filed a motion for reconsideration because the ALJ had failed to consider the Reply. On April 16, 2012, Rocklin Unified School District (RUSD) and the Placer County Office of Education (PCOE) filed an opposition 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 AND ORDER

The order by the ALJ was issued prior to the filing by Student of her Reply to the Opposition of RUSD and PCOE. It should be noted that the Opposition was filed late because the District was closed during its Spring Break. Student's Reply to the Opposition to the stay put motion was timely filed as it was filed within three days of the filing of the Opposition.

Accordingly, Student's request for reconsideration is granted so as to permit the ALJ to consider Student's Reply.

IT IS SO ORDERED.

Dated: April 19, 2012

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings