

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN DIEGUITO UNION HIGH SCHOOL
DISTRICT.

OAH CASE NO. 2012050089

ORDER DENYING REQUEST FOR
RECONSIDERATION

On May 2, 2012, the undersigned administrative law judge issued an order partially granting Student's motion for stay put (Order) as to related services. On May 4, 2012, Student's parent (Parent) timely filed a motion for reconsideration of the Order, which appears to have been served on District by facsimile, but not on District's counsel of record.

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.)

Here, Parent contends that some of the exhibits to his original stay put motion were not considered by the undersigned ALJ before the Order was issued, including a letter from Student's physician relating to his transportation needs, which Parent contends affects his placement. Parent also contends that Student's stay put should be pursuant to an alleged June 15, 2012 individualized education plan (IEP), which is a date in the future. In addition to the motion, Parent attached two pages of IEP notes dated March 16, 2012 and a doctor's letter. Parent seeks reconsideration of the Order as to placement.

Parent has offered no new relevant facts, circumstances, or law in support of the request reconsideration of the Order that justify reconsideration of the original Order. The merits of Student's complaint, which Parent argues in his motion for reconsideration, are not appropriately decided by a motion for reconsideration or a motion for stay put, because they require factual findings by a hearing judge at the hearing.

ORDER

Student's request for reconsideration of the May 2, 2012 stay put order is DENIED.

Dated: May 9, 2012

/s/

ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings