

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

CORONADO UNIFIED SCHOOL  
DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NO. 2012090283

ORDER DENYING REQUEST FOR  
RECONSIDERATION

On September 21, 2012, the undersigned administrative law judge issued an order that granted in part the Coronado's Unified School District's (District) motion for stay put, finding that its August 21, 2012, 30 day interim educational offer as closely as possible replicated Student's last agreed-upon and implemented educational program, her October 26, 2011 individualized education program (IEP) with the Hillsborough County Public Schools (Hillsborough). On September 25, 2012, Student filed a request for reconsideration on the grounds that Student had not filed an opposition because Parents were seeking legal counsel and thus did not introduce evidence that the October 26, 2011 IEP was only a temporary placement, and that her last agreed-upon and implemented educational program was her April 21, 2010 IEP with the Sweetwater Union High School District. The District did not submit a response.

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 alleges no new facts, circumstances, or law in support of the request reconsideration. Contrary to Student's position, school districts can file a motion for stay put. (*Student v. Murrieta Valley Unified School District* (September 9, 2008) Cal.Ofc.Admin.Hrngs. 2008080110, p. 2.) Additionally, nothing in the October 26, 2011 IEP

indicates a temporary placement as Student had been receiving home-hospital instruction from Hillsborough since on or about April 4, 2011, and there was no discussion at that IEP team meeting that she would be returning to school at the beginning of 2012. The first discussion of Student returning to school was at the December 14, 2011 IEP team meeting, which was never implemented as Student left the district before Hillsborough could implement this IEP. Accordingly, Student's request for reconsideration is denied due to the failure to present any new facts, circumstances, or law.<sup>1</sup>

IT IS SO ORDERED.

Dated: September 26, 2012

/s/

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PETER PAUL CASTILLO  
Administrative Law Judge  
Office of Administrative Hearings

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<sup>1</sup> Nothing in this order prevents the parties from agreeing otherwise to modify Student's educational program during the pendency of this due process hearing request.