

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT on behalf of STUDENT,

v.

CAMPBELL UNION HIGH SCHOOL  
DISTRICT.

OAH CASE NO. 2009020913

ORDER DENYING MOTION FOR  
RECONSIDERATION

On March 12, 2009, the Office of Administrative Hearings (OAH) issued an order denying Student's Motion for Stay Put. On March 23, 2009, Student filed a Motion for Reconsideration. On March 26, 2009, District filed an opposition to the Motion, and on March 26, 2009, Student filed her Reply in support of the Motion.

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 her Motion. Student admits as much at page 3 of her Motion. In her Reply in support of the Motion, Student belatedly contends that the case of *Joshua A. v. Rocklin Unified School District (Rocklin)* (9th Cir. March 19, 2009, No. 08-15845) 2009 WL 705405, which she cited in her Motion, constitutes new law to support the Motion. The Ninth Circuit issued its decision in *Rocklin* on March 19, 2009, after OAH issued its order on Student's Motion for Stay Put. However, *Rocklin* does not constitute new law on the issue of Student's Motion for Stay Put, which is whether Student is entitled to a stay put order under the circumstances of her case while her due process request is pending before OAH. Rather, *Rocklin* constitutes new law on the issue of whether a student is entitled to remain in his current educational placement while his case is on appeal before the circuit court of appeals.

Accordingly, Student's request for reconsideration is DENIED.

IT IS SO ORDERED.

Dated: April 15, 2009

/s/

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ELSA H. JONES  
Administrative Law Judge  
Office of Administrative Hearings