

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT on behalf of STUDENT,

v.

SAN MATEO-FOSTER CITY SCHOOL
DISTRICT.

OAH CASE NO. 2009090251

ORDER DENYING REQUEST FOR
RECONSIDERATION

On September 7, 2009, Student filed a motion for stay put against the San Mateo-Foster City School District (District). On September 21, 2009, the undersigned administrative law judge issued an order that denied Student's motion for stay put. On September 29, 2009, Student filed a motion for reconsideration. On October 1, 2009, the District filed an opposition to 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 requests in the motion that the District continue to pay the Hope Technology School for occupational therapy, speech and language and tutoring services pursuant to the parties' November 7, 2008 Settlement Agreement. However, Student alleges no new facts, circumstances, or law in support of the motion for reconsideration that Student did not waive his right to stay put for any of the services provided in the Settlement Agreement for the 2009-2010 school year. Accordingly, Student's motion for reconsideration is DENIED.

IT IS SO ORDERED.

Dated: October 6, 2009

/s/

PETER PAUL CASTILLO

Administrative Law Judge

Office of Administrative Hearings