

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

CUPERTINO UNION SCHOOL
DISTRICT,

v.

PARENT on behalf of STUDENT.

OAH CASE NO. 2009120494

ORDER DENYING REQUEST FOR
RECONSIDERATION

On December 23, 2009, Administrative Law Judge Bob Varma issued an order denying Student's motion for stay put during the pendency of these proceedings. On December 30, 2009, Student filed a request for reconsideration of the order on behalf of Student. On January 4, 2010, District filed an opposition to the request.

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 persuasive facts, circumstances, or law in support of the request for reconsideration. Student wants certain related therapy services to be continued while this dispute is being decided, but has removed Student from his last agreed-upon special education placement in the District.. Student's removal from the public school constituted unilateral change of placement to a private placement. Since the law of stay put provides for continuance of the status quo in the last agreed-upon placement, Student cannot now request a stay put order for the continuation of only selected related services in his new private placement, as previous explained by Judge Varma.

Accordingly, Student's request for reconsideration is denied.

It is so ordered.

Dated: January 11, 2010

/s/

TRINA A. HIRSIG
Administrative Law Judge
Office of Administrative Hearings