

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT on behalf of STUDENT,

v.

ORANGE UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2009121269

ORDER DENYING REQUEST FOR
RECONSIDERATION

On January 12, 2010, the undersigned administrative law judge issued an order denying Student's Motion for Stay Put. On January 19, 2010 Student filed a "renewed motion for stay put." District filed an opposition to the renewed motion on January 19, 2010. Procedurally, the "renewed motion" is deemed a Motion for Reconsideration, and, for the reasons stated below, is denied.

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's renewed motion for stay put alleges that subsequent to issuance of the undersigned judge's earlier Order denying Student's motion for stay put, the new District offered placement at a site unacceptable to Student. Student therefore renews its request for stay put under the January 26, 2009, IEP from Student's old district. Student has alleged no new facts, circumstances, or law that supports a request for reconsideration.

As noted in this judge's Order on Student's Motion for Stay Put, analysis of whether the new district's offer of interim or new placement provided a FAPE is to be decided at the due process hearing and is not determined by a motion for stay put. The new District is not bound by the terms of that prior district's IEP. The new District can either adopt the previously approved IEP or develop, adopt, and implement a new IEP that is consistent with federal and state law.

ORDER

Student's motion for reconsideration is denied.

Dated: January 20, 2010

/s/

ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings