

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

BAKERSFIELD CITY SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2010110866

ORDER DENYING REQUEST FOR
RECONSIDERATION

On December 29, 2010, the undersigned administrative law judge issued an order denying Student's Request for Interim Placement based on 34 Code of Federal Regulations § 300.521, subdivisions (a) through (e), repealed on August 14, 2006. On December 29, 2010, Student filed a motion for reconsideration, which District opposed that same day.

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.)

Student brings the motion for reconsideration on the grounds that he believes that this administrative law judge, prior to issuing her ruling, had not received and reviewed a document Student filed on December 28, 2010 regarding the motion and the current stay put placement. However, this administrative law judge had reviewed and considered that document prior to issuing her order. Student's motion was also not accompanied by a sworn declaration alleging new facts and did not reference any new law applicable to his request. Accordingly, Student's request for reconsideration is denied.

IT IS SO ORDERED.

Dated: December 30, 2010

/s/

DEBORAH MYERS-CREGAR
Administrative Law Judge
Office of Administrative Hearings