

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

FRESNO UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2011040665

ORDER DENYING MOTION FOR
RECONSIDERATION OF APRIL 22,
2011 ORDER RE: STAY PUT

On April 22, 2011, the undersigned administrative law judge issued an order denying Student's motion for stay put and determining stay put to be as provided for in Student's 2009 IEP. On April 27, 2011, Student's attorney timely filed a motion for reconsideration on behalf of Student. For the reasons discussed below, Student's motion for reconsideration 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 motion for reconsideration argues that Student's stay put should have been based upon an alleged interim placement within the District that briefly occurred in January 2011, and not on his 2009 IEP. The motion is supported by three declarations, none of which were offered to support Student's original motion for stay put. However, the new declarations address the facts and arguments in Student's motion for stay-put, and do not offer any new facts or circumstances that arose after the stay put motion was filed and the Order in question was issued.

Contrary to Student's contention, the original Order was expressly based upon the language of Student's 2009 IEP, and not on any court records offered by either party. Therefore, because Student has offered no new or different facts, circumstances or law justifying reconsideration of the original Order, the motion is denied.

IT IS SO ORDERED.

Dated: April 28, 2011

/s/

ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings