

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ROSEVILLE JOINT UNION HIGH  
SCHOOL, ROCKLIN UNIFIED SCHOOL  
DISTRICT & PLACER COUNTY OFFICE  
OF EDUCATION.

OAH CASE NO. 2012031279

ORDER DENYING REQUEST FOR  
RECONSIDERATION

On March 30, 2012, Parent on behalf of Student (Student) filed a due process request (complaint) accompanied by a separate motion for stay put. On April 10, 2012, the Rocklin Unified School District (RUSD) and the Placer County Office of Education (PCOE) filed an opposition. On April 11, 2012, the undersigned ALJ issued an order denying Student's stay put motion. On April 12, 2012, Student filed a Reply to the RUSD and PCOE opposition to the stay put motion. On April 12, 2012, Student also filed a motion for reconsideration of the April 11, 2012 order. RUSD and PCOE filed an opposition to the reconsideration motion on April 16, 2012. On April 19, 2012, OAH issued an amended order granting Student's stay put motion.

On May 4, 2012, RUSD and PCOE filed a motion for reconsideration of the April 19, 2012 amended order. RUSD and PCOE contend that the ALJ relied on misleading and improper facts and that there are new or different facts to justify reconsideration. In support of the motion, the moving parties submit a declaration from Phillip Williams, Assistant Superintendent of PCOE, a March 23, 2012 letter from Nancy L. Miller, PCOE nursing facilitator to Mr. Williams, a March 23, 2012 letter from Mr. Williams to Maxim, and a declaration from Betty Jo Wessinger, RUSD special education director. On May 8, 2012, Student filed an opposition to the motion for reconsideration, which included a declaration from Student's mother (Mother).

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

RUSD and PCOE allege no new facts, circumstances, or law in support of the request for reconsideration. In its original opposition to the stay put motion, RUSD and PCOE did not submit any evidence to support its position. In reviewing the submittals attached to the reconsideration motion, it is apparent that such information was readily available at the time that they filed their opposition. In reviewing the submittals, there are no new facts. PCOE provided LVN services through the hiring of Maxim and continues to do so (See the Declaration of Mother attached to Student's opposition to the motion for reconsideration).

Accordingly, the request for reconsideration by RUSD and PCOE is Denied.

IT IS SO ORDERED.

Dated: May 04, 2012

/s/

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ROBERT HELFAND  
Administrative Law Judge  
Office of Administrative Hearings