

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT on behalf of STUDENT,

v.

FOLSOM CORDOVA UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2009090847

ORDER DENYING REQUEST FOR
RECONSIDERATION

On October 20, 2009, ALJ Deborah Myers-Cregar issued an order denying Student's Motion for Stay Put. On October 28, 2009, Student filed a motion for reconsideration, arguing that the ALJ did not correctly interpret the law and the facts. In particular, Student disagreed with the result and interpreted stay put law as requiring a determination of whether the particular placement was appropriate for him. On October 30, 2009, Folsom Cordova Unified School District opposed the Motion for Reconsideration. For the reasons set forth below, the Motion for Reconsideration is denied.

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.)

Here, the Motion for Reconsideration did not contain any new facts that change the stay-put analysis for a pupil, like Student, who transferred from one school district to another over the summer and was offered an interim placement by the new school district.¹ Absent new facts or law, the motion for reconsideration is denied.

It is so ordered.

Dated: November 02, 2009

/s/

RICHARD T. BREEN
Administrative Law Judge
Office of Administrative Hearings

¹ One exhibit to the motion for reconsideration was an illegible October 7, 2009 letter from a nurse practitioner. It can only be inferred that the letter was offered as evidence that the interim placement was inappropriate. As discussed in the original Order Denying the Motion for Stay Put, a ruling on a stay put motion only concerns establishing the status quo, not the appropriateness of the status quo.