

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

CLOVERDALE UNIFIED SCHOOL
DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NO. 2011030203

ORDER DENYING REQUEST TO
REOPEN CASE AND FOR
RECONSIDERATION

On March 3, 2011, the Cloverdale Unified School District (District) filed a request for a due process hearing (complaint) against Student and a motion for stay put. Student did not file an opposition to the motion for stay put. On March 15, 2011, the Office of Administrative Hearings (OAH) issued an order granting the District's motion for stay put. On March 30, 2011, the District withdrew its complaint against Student, and OAH dismissed the complaint on April 8, 2011.

On April 11, 2011, Student filed a motion to reopen the District's case and a motion for reconsideration regarding the District's motion for stay put. On April 12, 2011, the District filed an opposition to Student's request.

APPLICABLE LAW

OAH 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 does not allege any facts, circumstances, or law that would permit OAH to reopen the District's case after the party that filed complaint withdrew the request for a hearing. While Student may disagree with the March 15, 2011 order granting the District's motion for stay put, Student failed to present any evidence why Student did not respond to

the District's motion for stay put to present the legal and factual arguments raised in the motion for reconsideration.

Accordingly, Student's request to reopen the District's case is denied, and Student's request for reconsideration is also denied.¹

IT IS SO ORDERED.

Dated: April 13, 2011

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings

¹ Nothing in this order prevents Student from filing his own complaint to challenge the District's offer of a different non-public school.