BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. LOS ANGELES UNIFIED SCHOOL DISTRICT.	OAH CASE NO. 2014090016 ORDER DENYING MOTION FOR RECONSIDERATION

On September 4, 2014, the undersigned administrative law judge issued an order denying Student's request for stay put at Banneker Special Education Center, and defining the terms of Student's stay put pursuant to her last agreed upon and implemented individualized education program. Student's counsel, on Student's behalf, filed a motion for reconsideration on September 16, 2014, accompanied by his declaration and authenticated evidence. Counsel for Los Angeles Unified School District filed an opposition on the same date. For the reasons discussed below, the 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 consists of several pages of argument and evidence that address substantive issues in the complaint. Specifically, Student argues that: District is not mandated to close Student's previous placement, Banneker Special Education Center, which shared a campus with Avalon Gardens, Student's current IEP placement; Banneker is still functioning as a special education center; and current conditions at Avalon are not appropriate for Student. Student therefore argues that Banneker special education center should be Student's stay put.

As discussed in the September 4, 2014 stay put order, stay put is defined by the terms of the last agreed upon and implemented IEP, which was Student's June 6, 2013 IEP. Student's motion for reconsideration does not offer any new facts, new law or evidence of change of circumstances after the time the September 4, 2014 stay put order was issued that would justify reconsideration. The substantive issues raised in the complaint must be decided at the due process hearing by the hearing judge, after evidence is presented and findings of fact are made, and not in a stay put order.

Accordingly, Student's motion for reconsideration is denied.

IT IS SO ORDERED.

DATE: September 18, 2014

/s/

ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings