BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

LAGUNA BEACH UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025040200

ORDER DENYING STUDENT'S REQUEST FOR RECONSIDERATION OF ORDER DENYING EMERGENCY MOTION FOR INTERIM RELIEF

JULY 29, 2025

On April 29, 2025, Student filed a Motion for Stay Put, described as a "Formal Objection to Placement." Student requested, in the motion, a change in placement. On May 5, 2025, Laguna Beach opposed Student's motion. On May 7, 2025, OAH issued an Order denying Student's requested change in placement, finding that Student's current placement at Port View constitutes Student's "stay put" placement.

On June 5, 2025, Student filed an Emergency Motion for Interim Relief, considered a request for reconsideration of OAH's ruling on the stay put motion. On

June 10, 2025, Laguna Beach filed an opposition to any change from the last agreed upon and implemented placement, called "stay put."

On June 19, 2025, the undersigned Administrative Law Judge issued an Order Denying Emergency Motion for Interim Relief denying Student's request for reconsideration of OAH's order regarding "stay put."

The Order denying the reconsideration explained that OAH lacks jurisdiction to change Student's placement while their case is pending before OAH. Likewise, OAH has the limited authority to decide placement issues brought to hearing and to enforce "stay put" to maintain student in a "stay put" placement while a case is pending. Further, OAH has no authority to change such a placement prior to issuing a written decision following the conclusion of a due process hearing.

On July 23, 2025, Student filed a Motion for Reconsideration of Emergency Relief Denial seeking reconsideration of the June 19, 2025 Order Denying Emergency Motion for Interim Relief. On July 25, 2025, Laguna Beach filed an opposition. Oral argument on Student's Motion for Reconsideration was heard during the prehearing conference on July 25, 2025, and the matter was taken under submission.

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, generally within ten days. (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

The Motion for Reconsideration of Emergency Relief Denial was not filed within a reasonable time after the initial Order was issued. A reasonable time to file for reconsideration, as noted above, is 10 days. Here, the Order Denying Emergency Motion for Interim Relief denying the Motion was issued on June 19, 2025. Student failed to file the Motion for Reconsideration until July 23, 2025, approximately 34 days after the Order was issued. As such, Student's Motion for Reconsideration is untimely and is denied.

Notwithstanding the untimely filing of Student's Motion for Reconsideration, Student's Motion fails to raise any new or different facts, circumstances, or law justifying reconsideration. On this basis, Student's Motion also fails.

ORDER

Student has not established the June 19, 2025 Order should be reconsidered. The motion for reconsideration is denied.

IT IS SO ORDERED.

Ted Mann

Ted Mann
Administrative Law Judge
Office of Administrative Hearings