BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

SAN DIEGO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2020080641

ORDER DENYING REQUEST FOR RECONSIDERATION

SEPTEMBER 22, 2020

On September 18, 2020, the undersigned Administrative Law Judge issued an order denying Student's motion for stay put. Specifically, the September 18, 2020 Order concluded that "Student's stay put during the pendency of this action is her January 13, 2020 IEP, unless or until an IEP team changes the IEP and Parent consents". OAH denied the motion for stay put based upon Student's request for OAH to change the January 13, 2020 IEP to an "at-home" model for one-to-one behavior services.

Student timely filed a Motion for Reconsideration on September 18, 2020. San Diego Unified filed an opposition on September 22, 2020.

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.)

Here, Student's Motion included a declaration from Parent asserting that, during the Covid-19 school closure, San Diego Unified did not implement Student's January 13, 2020 IEP after March 13, 2020. The declaration was irrelevant to the issue of stay put as it relates to the January 13, 2020 IEP. As such, Student's motion offers no new facts, circumstances, or law justifying reconsideration. The Motion for Reconsideration is denied.

IT IS SO ORDERED.

DocuSigned by:
Adrienne L. Krikorian
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Adrienne L. Krikorian
Administrative Law Judge
Office of Administrative Hearings