BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. OCEANSIDE UNIFIED SCHOOL DISTRICT.	OAH Case No. 2015110982 ORDER DENYING MOTION FOR RECONSIDERATION

On December 2, 2015, the undersigned administrative law judge issued an order that granted Student's motion for stay put in regards to transportation to his afterschool program, Together We Grow, in Vista, California. On December 22, 2015, Oceanside Unified School District filed a motion for reconsideration.

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

Oceanside alleges no new law in support of the request reconsideration. For example, although Oceanside references four orders, in OAH case numbers 2015111073, 2015110951, and 2015120015, issued after December 2, 2015, in which other OAH ALJ's denied stay put transportation services to the same afterschool program Student attends, an ALJ is not bound by orders or decisions in other OAH cases. (5 C.C.R. § 3085.) In fact, Oceanside does not cite any Ninth Circuit case law in support of its motion for reconsideration, although such case law would be precedential. Nor does Oceanside cite any state or federal statutes or regulations in support of its motion for reconsideration.

Oceanside has submitted a declaration by Linda Horton, Transportation Director, in support of its motion. Ms. Horton claims that "[b]ased on traffic patterns in the afternoon in and around Oceanside, it would take a District bus approximately 90 minutes to deliver other

student passengers to their homes, and [Student] to Together We Grow's [current] location." (Emphasis supplied.) The undersigned ALJ's order granting Student stay put for afterschool transportation does not require Oceanside to provide this transportation via one of its school buses. Nor does the order require other students to be transported to their homes at the same time Student is transported to Together We Grow's location. Finally, Oceanside does not provide any explanation as to why this declaration was not filed with OAH when it submitted its original opposition to the motion for stay put in this case. Accordingly, Oceanside's motion for reconsideration is denied.

ORDER

Oceanside's motion for reconsideration of the stay put order of December 2, 2015, is denied.

IT IS SO ORDERED.

DATE: December 22, 2015

/S/

REBECCA FREIE
Administrative Law Judge
Office of Administrative Hearings