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. 2013100372 ORDER DENYING REQUEST FOR RECONSIDERATION

On October 21, 2013, the undersigned administrative law judge issued an order granting Student's Motion for Stay Put. On November 4, 2013, Los Angeles Unified School District (District) filed a motion for reconsideration on the grounds Student did not properly serve Student's request for due process hearing or the motion for stay put on District. Student did not respond to the motion for reconsideration.

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.)

District contends it was not properly served because the fax number appearing on the proof of service is different from the fax number designated by District on a notice provided to families entitled "Directions to File for Due Process." However, the fax number set forth in the proof of service is the fax number for District's Office of General Counsel, and is the fax number that appears on District's motion for reconsideration and the pleadings attached. The fact that service of the motion for stay put went directly to General Counsel's fax line does not amount to a new fact justifying reconsideration. If anything, it appears that because the motion for stay put was faxed directly to counsel, there would have been more time to respond rather than less. Accordingly, District's request for reconsideration is denied.

IT IS SO ORDERED.

Dated: November 08, 2013

/s/
MARIAN H. TULLY
Administrative Law Judge
Office of Administrative Hearings