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. 2013060923 ORDER GRANTING REQUEST FOR RECONSIDERATION AND CONFIRMING ORDER GRANTING DISTRICT EXTENSION OF TIME TO RESPOND TO STAY PUT MOTION.

On June 20, 2013, Student filed a motion for stay put. On June 27, 2013, the Office of Administrative Hearings (OAH) issued an order requesting supplemental briefing on the issue of stay put. On June 28, 2013, the Los Angeles Unified School District (District) filed a motion titled "motion for reconsideration of motion granting joinder" with the Office of Administrative Hearings (OAH).[1] Based upon the contents of the motion, the District's motion was deemed a request for an extension of time to respond to Student's motion for stay put.

On July 2, 2013, the undersigned administrative law judge (ALJ) issued an order granting a short extension of time, until July 5, 2013, for the District to respond to Student's motion for stay put. On July 2, 2013, Student filed a request for reconsideration of the order granting the District an extension and argued against the extension of time. On July 5, 2013, the District filed an opposition to the motion for stay put. On July 8, 2013, Student filed a reply to the District's opposition to the motion for stay put. As discussed below, Student's motion for reconsideration of the order extending time is granted and the previous order extending time for the District to respond to the stay put motion is confirmed.

APPLICABLE LAW

The Office of Administrative Hearings (OAH) 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.)

[1] This motion is mistitled. There was no previous motion for joinder in this matter.

DISCUSSION AND ORDER

Student alleges new facts and circumstances in support of the request reconsideration. Student contends that he did not receive a copy of the District's request for an extension of time to respond to his motion for stay put, and, therefore, was not aware of the District's request for an extension until he received the order granting the extension of time. Student asks that the order granting the extension of time be reconsidered and denied. Student's motion for reconsideration is granted.

After considering Student's arguments against granting the District an extension of time, the motion to extend time for the District to respond to the stay put motion is confirmed. The District has provided a reasonable explanation for its failure to respond to the original stay put motion. Student claims that the District did not timely request the extension to respond to the stay put motion. However, the District filed the motion to request an extension of time one day after it became aware of the stay put motion. As there has not yet been a ruling on Student's stay put motion, there is no prejudice to Student in OAH's considering the District's opposition to the stay put motion, which was filed on July 5, 2013. The Student submitted his reply to the District's opposition on July 8, 2013, pursuant to the order granting the extension of time. Both the District's opposition and the Student's reply will be considered.

IT IS SO ORDERED.

Dated: July 09, 2013

/s/
MARGARET BROUSSARD
Administrative Law Judge
Office of Administrative Hearings