

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

v.

SANTA ROSA CITY SCHOOLS,

OAH CASE NO. 2014030127

SANTA ROSA CITY SCHOOLS,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2014040994

ORDER DENYING REQUEST FOR
RECONSIDERATION

On May 9, 2014, the undersigned administrative law judge issued an order granting Student's request to file an amendment to her due process hearing request and denying Student's motion for stay put on the grounds the motion for stay put was withdrawn. On May 20, 2014, Student filed a letter "appealing the ruling by the administrative law judge" because "I did not want decision on stay put prior to our September hearing dates." Student's letter dated May 20, 2014, is interpreted to be a motion for reconsideration of the Order dated May 9, 2014. On May 22, 2014, District filed a response.

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 AND ORDER

Student argues that the Order dated May 9, 2014, deprives Student of the opportunity to present evidence and examine witnesses as to the stay put issue. As set forth in the May 9, 2014 Order, the motion for stay put was denied based upon Student's letter dated May 7, 2014, in which Student stated "The school year is over in a couple weeks, so there would not be an opportunity for student to enroll in an NPS yet. If we or the District succeed in finding

an NPS placement which is appropriate for student prior to the September hearing, we can file a motion for stay put at that time.” Accordingly, Student’s letter was interpreted to have withdrawn the then pending motion for stay put. There was no ruling on the merits of the motion for stay put, because the stay put motion was withdrawn at Student’s request on May 7, 2014, before any determination of the merits of the stay put request. Student does not present any new facts or law that would be a basis for reconsideration. Student did not want, then or now, a ruling on the merits of the stay put issue. There has been no determination on the merits of any stay put issue. Accordingly, Student’s request for reconsideration is denied.

IT IS SO ORDERED.

DATE: May 23, 2014

/s/

MARIAN H. TULLY
Administrative Law Judge
Office of Administrative Hearings