

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

PLEASANTON UNIFIED SCHOOL DISTRICT AND
CONTRA COSTA COUNTY OF EDUCATION.

OAH CASE NUMBER 2021080223

ORDER DENYING REQUEST FOR RECONSIDERATION

AUGUST 25, 2021

On August 9, 2021, Student filed a due process complaint and a motion for stay put. On August 12, 2021, Pleasanton School District and Contra Costa County Office of Education filed a joint opposition on the ground that Student's requested one-to-one instructional aide was not offered in the operative August 27, 2019 Individualized educational program, called an IEP, OAH's two stay-put-orders, or the March 2021 settlement agreement.

On August 12, 2021, Administrative Law Judge Deborah Myers-Cregar issued an order that denied Student's Motion for Stay Put as Student did not establish that Student's last agreed upon and implemented educational program, the August 27, 2019

individualize education program provided for Student to receive a one-to-one instructional aide. On August 20, 2021, Student filed a motion for reconsideration as ALJ Myers-Cregar did not consider the information in Student's August 13, 2021 reply brief that countered the misinformation in Pleasanton Unified School District's and Contra Costa County Office of Education's opposition brief. On August 25, 2021, Pleasanton School District and Contra Costa County Office of Education filed an opposition.

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.)

DISCUSSION

Student's motion for reconsideration offers no new facts, circumstances or law to support reconsideration. Student's August 13, 2021 reply brief and August 20, 2021 motion for reconsideration do not put forth that Pleasanton School District and Contra Costa County Office of Education provided Student with a one-to-one instructional aide, but that the dedicated full-time licensed vocational nurse provided Student with educational services, along with nursing services. Student's assertion is insufficient to establish cause for reconsideration as Student does not establish that for purposes of Stay Put that Student's last agreed upon and implemented educational program

provided for a one-to-one instructional aide, in addition to the dedicated full-time licensed vocational nurse.

ORDER

Student has not established the August 12, 2021 Order Denying Stay Put should be reconsidered. The motion for reconsideration is denied. All dates set in this matter are confirmed.

IT IS SO ORDERED.

Peter Paul Castillo

Peter Paul Castillo
Presiding Administrative Law Judge
Office of Administrative Hearings