

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

SAN MARCOS UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024010812

ORDER GRANTING REQUEST FOR RECONSIDERATION

JUNE 25, 2024

On June 21, 2024, the undersigned Administrative Law Judge issued an order granting stay put. On June 25, 2024, San Marcos 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, generally within 10 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.)

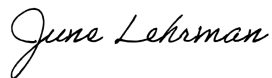
DISCUSSION

The Order for Stay Put relied on facts as stated in a sworn declaration submitted with the motion, which at the time San Marcos did not oppose, concerning the contents of an individualized education program, called an IEP, dated October 20, 2022. San Marcos now contends that the contents of the IEP, which was attached to the original motion, differs in certain respects from the facts that were stated in the sworn declaration. San Marcos has thus presented new facts, circumstances or law, to support reconsideration, although San Marcos did not oppose the original motion. The motion for reconsideration is granted.

ORDER

On reconsideration, an amended Order Granting Stay will be issued under separate cover, concurrent with this Order.

IT IS SO ORDERED.

A handwritten signature in cursive script that reads "June Lehrman".

June Lehrman

Administrative Law Judge

Office of Administrative Hearings