BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

DAVIS JOINT UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2020060198

ORDER DENYING REQUEST FOR RECONSIDERATION

OCTOBER 2, 2020

On September 28, 2020, the undersigned Administrative Law Judge, referred to as ALJ, issued an order granting Student's motion for stay put, based upon the mutual agreement of Student and Davis Joint Union. Specifically, the ALJ ordered that Student's stay put is his March 15, 2018 individualized education program, referred to as IEP, except for speech and language services, which shall be stay put based on the March 23, 2017 IEP. The ALJ also ordered that the specified IEP's shall remain Student's stay put placement and services during the pendency of this action unless or until Student's IEP is amended, signed by Parent, and Davis Joint Unified implements the amended and signed IEP.

On October 1, 2020, Student timely filed a motion for reconsideration and clarification. Specifically, Student did not dispute the ALJ's order defining what IEP

formed the basis for stay put. Instead Student asserted that the Order was ambiguous because it did not specify the location for delivery of one-to-one behavior services during Covid-19 school closures. Student noted that the original motion requested that OAH change the location of delivery of those services to at-home delivery during Covid-19 school closures. Student did not support the Motion for Reconsideration with a sworn declaration or any evidence.

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 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.)

Student offered no new facts, circumstances or law to support reconsideration of the September 28, 2020 Order. In fact, Student did not disagree with the ALJ's finding that Student's stay put was the March 15, 2018 IEP except for speech and language services, which shall be based on his March 23, 2017 IEP.

For purposes of clarification, as requested by Student, Student's stay put, unless later changed by the parties, is the March 15, 2018 IEP, *as written and without changes*, as consented to by Parent, and as implemented by Davis Joint Unified, *except for* speech and language services, which shall be delivered as written and previously implemented by Davis Joint Unified in Student's March 23, 2017 IEP.

The motion for reconsideration is denied.

IT IS SO ORDERED.

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Adrienne L. Krikorian
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Adrienne L. Krikorian

Administrative Law Judge

Office of Administrative Hearings