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. 2017070404 ORDER DENYING MOTION FOR RECONSIDERATION

On July 13, 2017, the undersigned administrative law judge issued an order that granted Student's motion for stay put. On July 28, 2017, Los Angeles Unified School District filed a motion for reconsideration on behalf of District. On August 2, 2017, Student filed an opposition to the motion.

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

District alleges no new facts, circumstances, or law in support of the request reconsideration. Instead, District argues the Order mischaracterized the facts leading to an error of law. However, District misconstrues the analysis in the order. District reiterates in its motion the same arguments made in its opposition to Student's motion for stay put. District contends that the changing circumstances exception to stay put applies because Student is ready to matriculate from high school, and age appropriate programing is no longer available at Student's current school.

District argued in its opposition to Student's motion for stay put that Student was ready to matriculate from high school into an adult program. District takes issue with the Order and attempts to reargue the importance of Student's age and the fact he will be the

only Student over the age of 18 who remains at his current school. However, District fails to address that the natural transition from high school to an adult program is generally when a student completes four years of high school or receives a certificate of completion. Student is 21 years old and received a certificate of completion on June 13, 2013. Student remained at his current school for four years after receiving a certificate of completion. Although Student may have received a second certificate of completion in June of 2017, District does not provide any evidence that now, as opposed to four years ago, is the natural transition for Student to matriculate to an adult program.

District also attempts to reargue the school closure exception to stay put. Student's current school changed the grades it served prior to the 2016/2017 school year. For the 2016/2017 school year the school only served students up to grade 12, with the exception of Student and one other student. For the 2017/2018 school year, Student's current school will only serve students up to grade 11. However, Student received high school programing during the 2016/2017 school year, not transition programing. Although Student will be older than the rest of the students attending his current school, District did not provide any evidence as to why Student cannot continue to receive high school programing at his current school.

If District believed Student needed a transition program to provide him a free appropriate public education then it should have filed a request for due process pursuant to *I.R. ex rel. E.N. v. Los Angeles Unified School Dist.* (2015) 805 F.3d 1164.

Furthermore, the motion is not timely because it was not received within ten days after issuance of the order. OAH served the order granting stay put on the parties on July 14, 2017. On July 28, 2017, 14 days later, District filed a motion for reconsideration. District did not provide any reason for the delay.

Accordingly, District's motion for reconsideration is denied.

ORDER

District's motion for reconsideration is denied.

DATE: August 9, 2017

DocuSigned by:
Linda Johnson
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LINDA JOHNSON
Administrative Law Judge
Office of Administrative Hearings