BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

LONG BEACH UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2019060280

ORDER DENYING REQUEST FOR RECONSIDERATION

On July 31, 2019, the undersigned Administrative Law Judge issued an order denying Student's request to designate a mild-moderate program at Rogers Middle School as stay put. Instead, the order identified stay put as a middle school moderate-severe program. On August 15, 2019, Parents on behalf of Student filed a motion for reconsideration. The Office of Administrative Hearings did not receive a response from Long Beach Unified School District.

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 offers no new facts, circumstances or law to justify reconsideration. Student's motion for reconsideration contends that Long Beach Unified made misrepresentations in its opposition to Student's stay put motion. Specifically, Student claims that he was once placed in a mild-moderate program. To support this claim, Student attached to his motion for reconsideration a letter dated December 10, 2012, prepared by a Long Beach Unified speech language pathologist who noted that Student "currently attends a Mild-Moderate SDC class" at Long Beach Unified's Buffum Total Learning Center. Student also attached the consent page of the March 18, 2016 individualized education program, also called an IEP, with Parents' initials to the statement "I DO NOT CONSENT to this Individualized Education Program."

At the time Parents on behalf of Student filed a request for due process hearing, Student last attended a moderate-severe program. Though Student now presents information reflecting Student's placement in a mild-moderate program in 2012, Student presents no information to demonstrate that at any point in time from 2013 to the present, a mild-moderate program was the last agreed upon and implemented IEP. Student had been in a moderate-severe program for at least the past two school years. Thus, as noted in the July 31, 2019 Order, the implemented educational program Student last attended prior to this dispute arising was a moderate-severe program.

ORDER

Student has not established the July 31, 2019 Order should be reconsidered. Therefore, the motion for reconsideration is denied.

DATED: September 3, 2019

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Rommel P. Cruz
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Rommel P. Cruz
Administrative Law Judge
Office of Administrative Hearings