BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. LONG BEACH UNIFIED SCHOOL DISTRICT.	OAH Case No. 2015080957 ORDER DENYING REQUEST FOR RECONSIDERATION REGARDING STAY-PUT

On August 27, 2015, the undersigned administrative law judge issued an order granting Student's request for stay-put at Vista Del Mar, a non-public school specifically identified in Student's last agreed upon and implemented individualized education program as his placement. On October 28, 2015, Long Beach filed a motion for reconsideration of the August 27, 2015, order. On October 29, 2015, Student filed an opposition to the motion arguing that it was untimely and provided no new facts or law.[1]

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 AND ORDER

Long Beach asserts that the fact that it terminated its master contract with Vista constitutes a new fact justifying reconsideration. Long Beach also appears to seek reconsideration based upon Vista's continued conditional status. Both of these facts were considered in the prior ruling. That order specifically states, "Long Beach provided no authority permitting the stay put placement to change when the State certification is conditional or when the district no longer maintains a master contract with a non-public

[1] Student's opposition includes a passing reference to sanctions. No formal request for sanctions or cost shifting was included in the caption or motion and no details were provided regarding the time and expense Student's counsel expended in responding to the motion. Therefore, the undersigned ALJ did not consider it a request.

school." Accordingly, Long Beach provided no basis warranting reconsideration at this time. As noted in the original order, should Vista become non-certified at some point in the future, Long Beach is not precluded from filing for reconsideration at that time.

Additionally, the motion for reconsideration is untimely as it was filed two months after the original Order was issued with no explanation for the delay.

In light of the forgoing, Long Beach's request for reconsideration is denied.

IT IS SO ORDERED.

DATE: October 29, 2015

/s/

JOY REDMON
Administrative Law Judge
Office of Administrative Hearings