BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENTS ON BEHALF OF STUDENT, v. SAN MATEO UNION HIGH SCHOOL DISTRICT.	OAH Case No. 2014110223 ORDER DENYING REQUEST FOR RECONSIDERATION

On November 25, 2014, the undersigned administrative law judge issued an order denying Student's motion for stay put. In the motion, Student had requested that he be placed at his home school while this case is pending.

On December 1, 2014, Student filed a motion for reconsideration. Student contends that Student filed the reconsideration motion to "clarify" that Student is seeking stay put at a different school, Aragon High School, based on the August 11, 2014 IEP signed by the parties.

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

The only new "fact" alleged by Student is a change in what Student contends should be Student's stay put placement. That is not a basis to reconsider an order.

Further, even if that was a proper basis, Student's motion for reconsideration fails to address any of the factual omissions in Student's underlying motion for stay put. Based on the papers filed in the underlying motion, it appeared that Student was not, in fact, attending Aragon at the time of filing of Student's due process hearing request. Instead he was receiving home/hospital instruction. Student has never filed any paperwork regarding that home/hospital instruction with either his stay put or reconsideration motion to show who

made the decision for home/hospital instruction and how long it was to be in effect. Student has never fully explained why the change to home/hospital instruction was made.

Student's request for reconsideration is denied.

IT IS SO ORDERED.

DATE: December 4, 2014

/s/

SUSAN RUFF
Administrative Law Judge
Office of Administrative Hearings