BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2018031003
v.	ORDER DENYING MOTION FOR RECONSIDERATION
RIVER SPRINGS CHARTER SCHOOL.	

On April 11, 2018, the undersigned administrative law judge issued an order that On April 11, 2018, the undersigned Administrative Law Judge issued an Order Denying Motion For Stay Put. On April 16, 2018, Student filed a motion for reconsideration on the grounds that OAH did not receive Student's response to River Springs Charter School's opposition before OAH denied the motion for stay put. On April 18, 2018, River Springs filed an opposition to Student's motion for reconsideration contending that OAH was not required to consider Student's response before issuing the order denying Student's motion for stay put and that the motion for reconsideration states no new facts, circumstances or law justifying reconsideration.

APPLICABLE LAW AND DISCUSSION

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 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.)

Student's response to River Springs' opposition and Student's motion for reconsideration are supported by declarations and exhibits. Both the response and the motion for reconsideration contain exactly the same documents that Student included in her first amended motion for stay put: a copy of the last signed and implemented IEP dated August 4, 2017 consisting of 5 pages, and a copy of the prior written notice dated May 12, 2017 consisting of 16 pages. No new evidence was presented in either the response or the motion for reconsideration.

Student is now asserting in her response and motion for reconsideration that she is not requesting The Prentice School specifically as stay put, but a non-public school. On March 22, 2018, Student filed a motion for stay put requesting an order that Student "remain in her current educational placement at Prentice School pending the hearing or her due process

matter." On April 4, 2018, Student filed a first amended motion for stay put contending River Springs should be precluded from removing Student from her non public school placement during the pendency of the litigation. The only non public school from which Student could "be removed" was a contingent temporary placement at Prentice. Student relies upon *Joshua A.* in her first amended motion for stay put and her motion for reconsideration. (*Joshua A. v. Rocklin Unified Sch. Dist.* (E.D. Cal. August 20, 2007, No. CV 07-01057 LEW (KJMx)) 2007 WL 2389868, ** 2-4, affd. *Joshua A. v. Rocklin Unified Sch. Dist.* (9th Cir. 2009) 559 F.3d 1036 (*Joshua A.*).) *Joshua A.* does not support her argument. In *Joshua A.* it was unclear which non-public agency would be the provider, here it was clear that the parties agreed that the Prentice School would not constitute stay put and River Springs was only offering the Prentice School for a limited time period in the operative IEP dated August 4, 2017. No new law has been presented.

For the reasons stated above, the Student's Motion for is Reconsideration is denied.

IT IS SO ORDERED.

DATE: April 25, 2018

DocuSigned by:
Jackie C. Dai
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JACKIE C. DAI
Administrative Law Judge
Office of Administrative Hearings