BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2017070485
v.	ORDER GRANTING REQUEST FOR RECONSIDERATION OF MOTION TO STRIKE AND GRANTING LEAVE TO BRING MOTION FOR SANCTIONS
SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT.	

On September 28, 2017, District filed a Motion to Compel Observation, and Student opposed.

In Student's September 29, 2017 opposition to the motion, Student moved to strike certain portions of District's moving papers. Student also sought leave to bring a further motion for sanctions regarding the content of those portions of District's papers.

On September 29, 2017, the undersigned administrative law judge issued an Order Granting District's Motion to Compel Observation of Student's Private Placement. The undersigned ALJ found the portions of District's papers which Student sought to strike were irrelevant to the merits of the motion, and, in the September 29, 2017 Order, the undersigned ALJ declined to address the motion to strike or the request for sanctions.

On October 2, 2017, Student wrote two letters concerning the motion to strike and the request for sanctions. Student's letters are treated as a request for reconsideration. As discussed below, reconsideration of the motion to strike and for leave to bring a further motion for sanctions is now granted.

Therefore, footnote 1 to the September 29, 2017, Order Granting Motion to Compel, in which the undersigned ALJ declined to rule on the motion to strike or the request for sanctions is hereby superseded by this Order. The balance of the September 29, 2017 Order Granting Motion to Compel is unaffected by the motion to strike, and remains unchanged.

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

On reconsideration, in light of the additional arguments raised in Student's October 2, 2017 letters:

Paragraph 4 of the September 27, 2017 Declaration of Pamela Kazee is stricken; Paragraph 4 of the September 27, 2017 Amended Declaration of Pamela Kazee is stricken; Page 5, lines 11-13 of District's September 28, 2017, Motion to Compel Observation is stricken; Student's counsel is given leave to bring a motion for sanctions.

Other than footnote 1, the balance of the ALJ's September 29, 2017 Order Granting Motion to Compel is unaffected by the motion to strike, and remains unchanged.

ORDER

1. Student's Motion for Reconsideration is granted.

2. Footnote 1 to the undersigned ALJ's September 29, 2017, Order Granting Motion to Compel, where the undersigned ALJ declined to rule on the motion to strike or the request for sanctions, is hereby superseded by this Order. Other than footnote 1, the balance of the ALJ's September 29, 2017 Order Granting Motion to Compel is unaffected by the motion to strike, and remains unchanged.

3. Paragraph 4 of the September 27, 2017 Declaration of Pamela Kazee is stricken.

4. Paragraph 4 of the September 27, 2017 Amended Declaration of Pamela Kazee is stricken.

5. Page 5, lines 11-13 of District's September 28, 2017, Motion to Compel Observation is stricken.

6. Student's counsel is given leave to bring a motion for sanctions.

DATE: October 3, 2017

DocuSigned by:
June Lehrman
[illegible]

JUNE LEHRMAN
Administrative Law Judge
Office of Administrative Hearings