BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

ROCKLIN UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021120714

ORDER DENYING MOTION FOR RECONSIDERATION OR, IN THE ALTERNATE, TO REOPEN THE ADMINISTRATIVE RECORD

JUNE 30, 2022

On April 27, 2022, the undersigned Administrative Law Judge issued a Decision in the above-captioned matter. On June 29, 2022, Rocklin Unified School District filed a Motion for Reconsideration, or, in the alternate, to Reopen the Administrative Record. The Office of Administrative Hearings did not receive a response from Student.

APPLICABLE LAW, DISCUSSION, AND ORDER

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.)

Decisions, however, are treated differently than rulings on motions. Administrative agencies generally lack the power to order reconsideration of their decisions absent specific statutory authority to do so. (See *Olive Proration etc. Com. v. Agri. etc. Com.* (1941) 17 Cal.2d 204, 209; *Heap v. City of Los Angeles* (1936) 6 Cal.2d 405, 407–408; *Bonnell v. Medical Bd. of California* (2003) 31 Cal.4th 1255, 1260.) The Administrative Procedure Act, referred to as APA, provisions regarding reconsideration of administrative decisions are inapplicable to special education decisions. No federal or state special education statutes or regulations provide for reconsideration of a decision issued following a due process hearing.

Under the Individuals with Disabilities Education Act, OAH decisions rendered in special education due process proceedings are final upon issuance. Any party wishing to contest the findings and decision may seek review by bringing a civil action in state or federal district court, within 90 days from the date of the ALJ's decision. (20 U.S.C. § 1415(i); 34 C.F.R. §§ 300.514 and 300.516 (2006); Gov. Code § 56505, subd. (k).)

In this case, the ALJ's Decision is a final order. Therefore, Rocklin's Motion for Reconsideration is denied.

In the alternate, Rocklin moves to have the administrative record reopened to submit evidence related to the remedy in the matter. Rocklin argues that the ordered remedy of training for teachers and staff is onerous and would not benefit Student

because he is no longer a student of the district. Rocklin alleges that it did not have the opportunity to bring evidence regarding the remedy of teacher training. Rocklin's arguments are not persuasive. Over the course of the five-day hearing, Rocklin had the opportunity to present witnesses and evidence as to the issue at hand and potential remedies if OAH found against Rocklin.

Accordingly, Rocklin's Motion for Consideration, or, in the alternate, to Reopen the Administrative Record, is denied.

IT IS SO ORDERED.

Cararea Lucier

Cararea Lucier
Administrative Law Judge
Office of Administrative Hearings