BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. CUCAMONGA ELEMENTARY SCHOOL DISTRICT.	OAH Case No. 2017061126 ORDER DENYING REQUEST FOR RECONSIDERATION

On July 10, 2017, the undersigned Administrative Law Judge issued an order that dismissed the above captioned case. On July 17, 2017, Parent on behalf of Student filed a request for reconsideration. No opposition was received from Cucamonga Elementary School District.

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

Student alleges no new facts, circumstances, or law in support of the request reconsideration. Rather, he reasserts that the Office of Administrative Hearings is bound to hear this matter because it involves District funded services. Student errs, as the services complained for arose from a private settlement agreement and does not involve a claim arising under the Individuals with Disabilities Education Act.

OAH's jurisdiction is limited to claims arising under the IDEA. (*Wyner v. Manhattan Beach Unified Sch. Dist.* (9th Cir.2000) 223 F.3d 1026, 1028-1029.) OAH does not have jurisdiction over claims alleging a school district's failure to comply with a settlement agreement. (*Id.* at p. 1030.) Here, Student's complaint failed to allege any matter relating to the identification, evaluation, or educational placement of the child, or the provision of a free

appropriate public education to such child, and is therefore outside of OAH's jurisdiction. (20 U.S.C. § 1415(b)(6); Ed. Code, § 56501, subd. (a).)

In sum, Student's reassertion that OAH has jurisdiction over this matter merely because the alleged settlement violation involves District funded services is not consistent with the above authority. Accordingly, Student's motion for reconsideration is denied.

ORDER

Student's motion for reconsideration is denied.

DATE: July 19, 2017

DocuSigned by:
Paul Kamoroff
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PAUL H. KAMOROFF
Administrative Law Judge
Office of Administrative Hearings