BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

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| In the Consolidated Matters of:<br><br>OAKLAND UNIFIED SCHOOL DISTRICT,<br><br>v.<br><br>PARENT ON BEHALF OF STUDENT, | |
| PARENT ON BEHALF OF STUDENT,<br><br>v.<br><br>OAKLAND UNIFIED SCHOOL DISTRICT. | OAH Case No. 2017030950<br><br>OAH Case No. 2017050146<br><br>ORDER DENYING STUDENT'S MOTION TO COMPEL |

On September 21, 2017, the undersigned administrative law judge issued a final expedited decision in this matter, finding that Oakland Unified School District's proposed interim alternative educational setting of Highland Academy constitutes an appropriate interim setting for Student for not more than 45 school days. On November 15, 2017, Student filed a motion to compel Oakland to comply with September 21, 2017 Order requiring Oakland to provide appropriate bus transportation and a one-to-one aide during transit to and from Student's interim alternative educational setting. On November 16, 2017, Oakland filed an opposition.

## APPLICABLE LAW

Under the Individuals with Disabilities Education Act, decisions issued after an administrative due process hearing are final decisions and binding on all parties. (Ed. Code, § 56505, subd. (h).). A party aggrieved by such an administrative decision may appeal that decision to a court of competent jurisdiction within 90 days of the issuance of the decision. (20 U.S.C. § 1415(i); 34 C.F.R. §§ 300.514 and 300.516 (2006); Ed. Code, § 56505 subd. (k).) Once a decision is issued, OAH loses jurisdiction over the matter. (*Wyner v, Manhattan Beach Unified Sch. Dist.* (9th Cir. 2000) 223 F.3d 1026, 1030.) OAH does not have jurisdiction to enforce its decisions. (*Id.* at 1029.) OAH orders may be enforced in a court of competent jurisdiction, or through a compliance complaint to the California Department of Education. (Ed. Code, § 56505, subd. (k); see, Cal. Code Regs., tit. 5, § 4650, subd. (a)(7)(B).)

## DISCUSISON

OAH has issued a final expedited decision in this case and no longer has jurisdiction over the expedited portion of this matter including granting any additional relief related to Student's interim alternative educational setting.[1] Nothing in this Order prohibits Student from filing a new request for due process if she seeks to raise additional claims within OAH's jurisdiction. OAH has no statutory or regulatory authority to alter the terms of a final decision based on factual developments subsequent to that decision. Accordingly, Student's motion is denied for lack of jurisdiction.

## ORDER

Student's motion to compel is denied.

DATE: November 17, 2017

DocuSigned by:
Theresa Ravandi
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THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings

[1] The sole remaining non-expedited issue has been submitted for Decision.