BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. ROSEDALE UNION ELEMENTARY SCHOOL DIST.	OAH CASE NO. 2013080692 ORDER DENYING REQUEST FOR RECONSIDERATION

Administrative Law Judge, Sabrina Kong, from the Office of Administrative Hearings (OAH), State of California, heard this matter on October 29, 30, and November 4, 2013 in Bakersfield, California. The record was closed and the matter submitted on November 18, 2013. A corrected decision was issued on December 12, 2013.

On January 22, 2014, Rosedale Union School District (District) filed a Motion for a Corrected Decision and Order (Motion) requesting that OAH substitute Kumon, in lieu of a non-public agency (NPA), to provide compensatory education to Student. District represented that no NPA in Kern County could provide Student with the compensatory education ordered and that parent requested that Kumon provide the services in lieu of the NPA.

Under the Individuals with Disabilities Education Act, decisions issued after an administrative due process hearing are final decisions. 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. (*Wyner v, Manhattan Beach Unified Sch. Dist.* (9th Cir. 2000) 223 F.3d 1026, 1030; Ed. Code, § 56505 subd. (k).) Once a decision is issued OAH loses jurisdiction over the matter.

Here, the Motion is not seeking a correction, but instead is seeking to reopen the record for consideration of additional evidence and/or a reconsideration of the remedy order. Because the decision is now final, OAH has no jurisdiction to reconsider the relief granted in the decision. Accordingly, District's motion must be denied.

IT IS SO ORDERED.

Dated: January 24, 2014

/s/
SABRINA KONG
Administrative Law Judge
Office of Administrative Hearings