

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

CAPISTRANO UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2014040723

ORDER DENYING REQUEST FOR
RECONSIDERATION AND
CLARIFICATION

On July 10, 2014, the undersigned Administrative Law Judge issued a Decision in the above captioned matter. On July 25, 2014, the Capistrano Unified School District (Capistrano) filed a request for clarification. Capistrano's request for clarification is a thinly veiled request for reconsideration of the Decision.

APPLICABLE LAW AND DISCUSSION

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.)

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. (Ed. Code, § 56505 subd. (k).) Once a decision is issued OAH loses jurisdiction over the matter.

While Capistrano's motion is titled "Motion for Clarification," it is in fact a Motion for Reconsideration, as OAH does not hear appeals of its decisions involving special education.

Regardless of whether the motion is a request for clarification or request for reconsideration, Capistrano failed to establish that OAH has jurisdiction over this matter after the

issuance of the July 10, 2014 final decision. Accordingly, Capistrano's motion is denied for lack of jurisdiction.

Moreover, Capistrano alleges no new facts, circumstances, or law in support of the request for reconsideration. Capistrano reasserts that it was undisputed that Student revoked his special education rights. As illustrated in Factual Finding 20, and Legal Conclusions 12 and 13 of the Decision, Capistrano errs in this assertion. Next, Capistrano re-argues that, per title 34 Code of Federal Regulations part 300.300(b)(4)(2008), Student's revocation of "the IEP" was a de facto revocation of all of his special education rights. As found in Legal Conclusions 12 and 13 of the Decision, Capistrano errs in this conclusion as well. The Decision is clear on its face and Capistrano's rehashing of the same arguments it put forth at hearing does not support a request for reconsideration or for clarification.

ORDER

Capistrano's Motion for Reconsideration and/or for Clarification is denied.

DATE: July 25, 2014

/s/

PAUL H. KAMOROFF
Administrative Law Judge
Office of Administrative Hearings