

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTER INVOLVING
PARENTS ON BEHALF OF STUDENT,

and

IRVINE UNIFIED SCHOOL DISTRICT,
OAH CASE NUMBER 2021080012
OAH CASE NUMBER 2021080052

ORDER DENYING REQUEST FOR RECONSIDERATION

JANUARY 10, 2022

On December 30, 2021, the Office of Administrative Hearings, called OAH, issued a decision in the consolidated cases involving Student and Irvine Unified School District, in OAH case numbers 2021080012 and 2021080052. On January 10, 2022, Irvine filed a Motion for Reconsideration of Issue 2(i) in the decision, arguing that a December 30, 2021 Ninth Circuit Court of Appeals' decision supports a finding that Irvine prevailed on Issue 2(i). Also, on January 10, 2022, Student filed an opposition to Irvine's motion.

OAH 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.)

OAH decisions are final. (20 U.S.C. § 1415(i)(1)(A); 34 C.F.R. § 300.514(a); Ed. Code, § 56505, subd. (h).) A party aggrieved by OAH's findings and decision has the right to appeal the decision in a California court of competent jurisdiction or in a district court of the United States within 90 days from the date of the OAH decision in controversy. (20 U.S.C. § 1415(i)(1)(A), (i)(2)(A)-(B); 34 C.F.R. § 300.516(a)-(b); Ed. Code, § 56505, subd. (k).)

OAH does not reconsider the findings or conclusions in its decisions because they are final. Pursuant to the Individuals with Disabilities Education Act and California law, the appropriate recourse for a party aggrieved by the findings in an OAH decision is to appeal the decision to a state or federal court of competent jurisdiction. Therefore, Irvine's Motion for Reconsideration is denied.

IT IS SO ORDERED.

Tara Doss

Tara Doss
Administrative Law Judge
Office of Administrative Hearings