BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
PARENT ON BEHALF OF STUDENT,	OAH CASE NO. 2012080271
v.	ORDER DENYING DISTRICT'S REQUEST TO REOPEN CASE
LINCOLN UNIFIED SCHOOL DISTRICT.	

The due process hearing in the above entitled case began on the afternoon of April 22, 2013, and was scheduled to finish on April 26, 2013. On April 23, 2013, near the end of the second day of hearing, Student withdrew his due process hearing complaint on the record. After having heard the parties, the undersigned dismissed this matter without prejudice and vacated the remaining days of hearing. The dismissal was effective April 23, 2013 and was subsequently memorialized in a written order on May 3, 2013.

On April 30, 2013, Lincoln Unified School District (District) filed a motion to the dismiss Student's complaint with prejudice. Since Student's complaint was dismissed on April 23, 2013, the undersigned found no jurisdiction to consider District's motion and did not address District's motion.

On May 24, 2013, District filed a request that the Office of Administrative Hearings (OAH) reopen and dismiss the above-titled case with prejudice on the grounds that the undersigned inappropriately dismissed the case on the record without prejudice. District requests that this case be reopened for the limited purpose of considering its motion to dismiss with prejudice. Student did not file a response.

APPLICABLE LAW AND DISCUSSION

Special education law does not address the reopening of the evidentiary record after the hearing. District cites a prior OAH order that used civil law principles as guidance for reopening of a case to receive additional evidence as generally a matter within the trial court's discretion. A denial of a request to reopen may be an abuse of discretion. (*Parent v Cupertino Union School District*, OAH Case No. 2012020850 (Order Granting Student's Motion to Admit Supplemental Evidence for Limited Purposes Only, June 18, 2012).)

Once a decision is issued, OAH loses jurisdiction over the matter. (*San Jose Unified School Dist. v. Student,* OAH Case No. 20100120367 (Order Denying Request for Reconsideration and/or Appeal, March 1, 2012); *Parent v. San Juan Unified School Dist.*,

OAH Case No. 2010050862 (Order Denying Requests for Reconsideration and for Attorneys' Fees, June 3, 2011); *Educational Rights Holder v. Los Angeles County Office of Educ.*, OAH Case No. 2010110301 (Order Denying Motion for Reconsideration by California Dept. of Mental Health, May 6, 2011); *Student v. California Dept. of Mental Health*, OAH Case No. 20100110500 (Order Denying Request for Reconsideration, April 12, 2011); *Student v. California Dept. of Mental Health*, OAH Case No. 2010110500 (Order Denying Request for Reconsideration, April 12, 2011).) OAH loses jurisdiction over a party when the party is dismissed from a case. (*Lucia Mar Unified School District v. Student,* OAH Case No. 2011070196 (Order Denying Student's Second Stay Put Motion, June 12, 2012).)

Under the Individuals with Disabilities Education Act, decisions issued after a special education due process hearing are final decisions. (20 U.S.C. § 1415(i); 34 C.F.R. §§ 300.514(a)(2006), 300.516(a)(2006); Gov. Code, § 56505, subd. (h).) A party aggrieved by such a decision may appeal it to a court of competent jurisdiction within 90 days of the issuance of the decision. (34 C.F.R. § 300.516(b)(2006); Ed. Code, § 56505 subd. (k).)

The scenario District refers to involves ongoing litigation pending a final decision. This is not the situation in this case. In this case, the undersigned dismissed the case in a final order, in effect rendering a final decision. Once the case was dismissed, OAH lost jurisdiction over the matter. District has failed to establish that OAH has jurisdiction to reopen this case in order to consider its motion to dismiss without prejudice.

ORDER

1. District's request to reopen the case is denied.

2. There is no jurisdiction to consider District's motion to dismiss with prejudice and the matter is not addressed.

Dated: June 14, 2013

/s/

TROY K. TAIRA
Administrative Law Judge
Office of Administrative Hearings