BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. OAKLAND UNIFIED SCHOOL DISTRICT.	OAH Case No. 2014071037 ORDER DENYING STUDENT'S MOTION FOR CLARIFICATION AND/OR RECONSIDERATION

On November 3, 2014, the undersigned administrative law judge issued a final decision in this matter. On November 18, 2014, Student filed a Motion for Clarification of Judgment which, in essence, is a request for reconsideration. Student requests that the ALJ reconsider her determination that Student's claim that Oakland denied him a free appropriate public education by failing to make an appropriate placement offer for the 2014-2015 school year was not ripe for adjudication, or, in the alternative, that the ALJ change her finding that Oakland Unified School District (Oakland) prevailed on Issue 3. Further, Student requests that the ALJ revise her reimbursement order to allow Student's counsel to retain all funds in its trust account for disbursement upon either the expiration of the 90 day appeal period or final resolution of the appeals process. Oakland did not file a response.

APPLICABLE LAW

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, 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.) As discussed below, decisions are treated differently than rulings on motions.

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. ((20 U.S.C. § 1415(i); 34 C.F.R. §§ 300.514 and 300.516 (2006); Ed. Code, § 56505 subd. (k).) No federal or state special education statutes or regulations provide for reconsideration of a decision issued following a due process

hearing. 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.)

DISCUSSION

Regardless of whether Student's motion is a request for clarification or for reconsideration, Student failed to establish that OAH has jurisdiction over this matter after the issuance of the final decision. Accordingly, Student's motion is denied for lack of jurisdiction.

ORDER

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

DATE: November 25, 2014

/s/

THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings