BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENTS ON BEHALF OF STUDENT, v. SANTA ROSA CITY SCHOOLS.	OAH Case No. 2018020255 ORDER DENYING REQUEST FOR RECONSIDERATION AND/OR CLARIFICATION OF FINAL DECISION

On May 25, 2018, the undersigned administrative law judge issued a Final Decision in this matter. On June 1, 2018, Santa Rosa City Schools filed a request for reconsideration and/or clarification of the remedy awarded. Santa Rosa is unclear as to the nature of the award of placement of Student at Monarch Center for Autism and requests that the Decision be clarified to state the cost and duration of the ordered placement that is attributable to compensatory education.

On June 4, 2018, Student filed an opposition asserting that the award is clear.

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, 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.) 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 Santa Clara seeks reconsideration of the Final Decision or clarification of the nature of the award of an individualized education program residential placement, Santa Rosa failed to establish that OAH has jurisdiction to address such requests after the issuance of the final decision. Accordingly, Santa Rosa's motion is denied.

ORDER

Santa Rosa's request for reconsideration and/or clarification is Denied.

IT IS SO ORDERED.

DATE: June 5, 2018

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Theresa Ravandi
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THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings