BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: GARDEN GROVE UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT,	OAH Case No. 2018090236
PARENT ON BEHALF OF STUDENT, v. GARDEN GROVE UNIFIED SCHOOL DISTRICT.	OAH Case No. 2018080781 NOTICE OF NO ACTION

On December 17, 2018, Administrative Law Judge Ted Mann issued a final Decision in the above referenced matter. On December 24, 2018, Student filed a document entitled: "Parents Motion Requesting Stay On Final Order", seeking a stay pending appeal of the portion of the order in the final Decision permitting Garden Grove to implement the May 25, 2018 individualized educational program over Parents' objection. On December 27, 2018, Garden Grove filed an opposition to Student's Motion. On December 28, 2018, Student filed a Response to District's Opposition.

APPLICABLE LAW AND DISCUSSION

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.

Student's letter requests that a portion of the order in the final Decision be stayed pending appeal. The changes Student requests are substantive changes to the final Decision and Student failed to establish that OAH has jurisdiction over this matter after the issuance of the December 17, 2018 final Decision. Accordingly, OAH shall take no action on Student's letter for lack of jurisdiction.

ORDER

OAH's December 17, 2018 Decision is final and no action shall be taken as to Student's December 24, 2019 Motion requesting a post-decision stay of order.

DATE: December 31, 2018

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Ted Mann
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TED MANN
Administrative Law Judge
Office of Administrative Hearings