

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

FRESNO UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2012010705

ORDER DENYING REQUEST FOR  
RECONSIDERATION

On August 3, 2012, Administrative Law Judge (ALJ) Alexa J. Hohensee issued a final decision in the above matter. On August 14, 2012, Student's mother (Parent) filed Requests for Corrections and Clarification, which shall be considered as a Motion for Reconsideration. No response to Student's motion was filed by the Fresno Unified School District (District).

**APPLICABLE LAW AND DISCUSSION**

The Office of Administrative Hearings (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. (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.)

However, reconsideration is not available after a decision has issued. Under the Individuals with Disabilities Education Act (20 U.S.C. § 1400, et seq.), 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.

While Student's motion is characterized as a request for (i) correction of the decision to reflect that Sandra Hammond attended only the December 2011 IEP team meeting, and (ii) a determination of Student's prospective placement for the 2012-2013 academic school year, this is in fact a motion for reconsideration.

First, the requested correction to the decision is not necessary. Ms. Hammond testified as to only the December 12, 2011 IEP team meeting, and Ms. Puente attended the June 10, 2011 IEP team as an advocate for Student. However, if Ms. Hammond is

erroneously referred to as attending other IEP's, this fact was not material to the legal conclusions. Accordingly, correction of this error does not require issuance of an amended decision.

As to Parent's request that the decision include a discussion of, and order regarding, Student's prospective placement during the 2012-2013 academic school year, this is a request for reconsideration. As discussed above, the decision is final upon issuance and reconsideration is not available. Accordingly, Student's motion for reconsideration is denied.

### ORDER

Student's Request for Correction and Clarification of the Decision is denied.

Dated: August 27, 2012

/s/

---

ALEXA HOHENSEE  
Administrative Law Judge  
Office of Administrative Hearings