

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. 2012040848

ORDER DENYING STUDENT'S
REQUEST FOR RECONSIDERATION

On November 5, 2012, the undersigned administrative law judge (ALJ) issued a final decision in this matter. On November 21, 2012, Student filed a Motion for Reconsideration asking that the ALJ consider new evidence and issue an order granting Student the award of additional tuition and travel expenses. On November 27, 2012, the Oakland Unified School District (District) filed an opposition.

APPLICABLE LAW

The Office of Administrative Hearings (OAH) will generally reconsider a ruling before decision 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.)

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. (*Wyner v. Manhattan Beach Unified Sch. Dist.* (9th Cir. 2000) 223 F.3d 1026, 1030.)

DISCUSSION

Student is seeking an Order awarding Student additional expenses. 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 Reconsideration is denied.

Dated: November 29, 2012

/s/

THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings