

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

COMPTON UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2012060109

ORDER DENYING DISTRICT'S  
MOTION FOR RECONSIDERATION

On October 24, 2012, the undersigned administrative law judge issued a decision after hearing in the above-referenced matter. The decision included a finding that the Student had prevailed on both issues presented.

On November 2, 2012, District filed a motion for reconsideration of the decision, seeking to have the decision amended to further break down the prevailing party status by contentions made during the proceeding. On November 5, 2012, Student filed a response to District's motion, arguing that District has failed to show any new or different facts, law or circumstances warranting reconsideration, and that the decision is fundamentally correct.

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.)

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.

DISCUSSION

District has failed to establish that OAH has jurisdiction over this matter after the issuance of the October 24, 2012 final decision. The decision is final, and not subject to substantive revision after it has been issued. Accordingly, District's motion is denied for lack of jurisdiction.

Additionally, even if OAH could entertain a motion for reconsideration of a decision, District's motion would fail for a lack of any showing of new or different facts, circumstances or law. Had District believed there was merit to its arguments, it should have made them at hearing.

District's motion for reconsideration of the decision is denied.

IT IS SO ORDERED.

Dated: November 05, 2012

/s/

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ALEXA J. HOHENSEE  
Administrative Law Judge  
Office of Administrative Hearings