

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. SEQUOIA UNION HIGH SCHOOL DISTRICT,	OAH CASE NO. 2010100554
SEQUOIA UNION HIGH SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH CASE NO. 2010071307 ORDER DENYING DISTRICT'S MOTION FOR RECONSIDERATION AND/OR CLARIFACATION

On June 3, 2011, Administrative Law Judge (ALJ) Gary A. Geren issued a final decision in the above referenced consolidated matters. On June 30, 2011, Sequoia Union High School District (District) filed a Motion for Reconsideration. No response to the District's motion was filed by Student.

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.)

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.

While District's motion is titled a "Motion for Reconsideration," the body of the motion makes clear that District is not seeking that the ALJ reconsider a point of law or fact, but rather District is seeking clarification of a perceived "discrepancy" in the decision. District's motion goes to request that an order be issued reducing the number of school years for which District was ordered to reimburse Student's parents.

Regardless of whether the motion is a request for reconsideration or for clarification, District failed to establish that OAH has jurisdiction over this matter after the issuance of the June 3, 2011 final decision. Accordingly, District's motion is denied for lack of jurisdiction.

Even if OAH retained jurisdiction, the undersigned has reviewed the final decision in light of District's motion, and finds that no alleged "discrepancy" exists. Accordingly, District's Motion for Reconsideration is without merit and is denied.

ORDER

District's Motion for Reconsideration and/or Clarification is denied.

Dated: July 15, 2011

/s/

GARY GEREN
Administrative Law Judge
Office of Administrative Hearings