

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

SAN JOSE UNIFIED SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NO. 2010120367

ORDER DENYING REQUEST FOR  
RECONSIDERATION AND/OR  
APPEAL

On October 25, 2011, Administrative Law Judge (ALJ) Peter Paul Castillo issued a final decision in the above referenced consolidated matters. On January 20, 2012, Student filed an appeal of the decision, which shall be considered as a Motion for Reconsideration. No response to Student's motion was filed by the San Jose 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.)

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 Student's motion is titled "Parent Appeal," it is in fact a Motion for Reconsideration, as OAH does not hear appeals of its decisions involving special education hearing. Student's motion requests that an order be issued that set aside the October 25, 2011 decision, and decide the matter in favor of Student.

Regardless of whether the motion is an appeal or request for reconsideration, Student failed to establish that OAH has jurisdiction over this matter after the issuance of the

October 25, 2011 final decision. Accordingly, Student's motion is denied for lack of jurisdiction.

ORDER

Student's Appeal and/or Motion for Reconsideration is denied.

Dated: March 1, 2012

/s/

---

PETER PAUL CASTILLO  
Administrative Law Judge  
Office of Administrative Hearings