

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

EASTSIDE UNION SCHOOL DISTRICT
(LANCASTER).

OAH CASE NO. 2012050086

ORDER DENYING REQUEST FOR
REIMBURSEMENT OF LEGAL
EXPENSES

Student filed a request for due process hearing on May 2, 2012, and an amended request on May 15, 2012. The matter was heard on July 31, and August 1, 2012. A Decision was issued on September 4, 2012. On October 15, 2012, Student filed a request for reimbursement of \$4, 063.65 in attorney fees, and other expenses in the amount of \$213.73.

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. (*Wyner v. Manhattan Beach Unified Sch. Dist.* (9th Cir. 2000) 223 F.3d 1026, 1030; Ed. Code, § 56505 subd. (k).) Once a decision is issued OAH loses jurisdiction over the matter. Thus, if Student is requesting the fees and costs as a sanction, the case is completed, such that OAH is taking no action. Furthermore, an award of reasonable attorney's fees to the prevailing parent, guardian, or pupil may only be made either with the agreement of the parties following the conclusion of the administrative hearing process or by a court of competent jurisdiction. (*See* 20 U.S.C. 1415(i)(3); Ed. Code, §56507, subd. (b).) OAH is not a court of competent jurisdiction within the meaning of Education Code section 56507, subdivision (b).

OAH no longer has jurisdiction over the matter because the decision is final and OAH is not a court of competent jurisdiction to award attorney fees. Accordingly, the request for reimbursement of legal expenses is denied.

IT IS SO ORDERED.

Dated: October 22, 2012

/s/

MARIAN H. TULLY
Administrative Law Judge
Office of Administrative Hearings