BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

COMPTON UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025090614

ORDER GRANTING REQUEST FOR RECONSIDERATION AND DENYING COMPTON'S REQUEST FOR DISMISSAL WITH PREJUDICE OR SANCTIONS

JANUARY 26, 2026

On January 20, 2026, OAH granted Student's request to dismiss the above-mentioned case without prejudice. On January 20, 2026, Compton moved that OAH reconsider its dismissal of Student's complaint without prejudice, and moved for an order to show cause why sanctions should not be imposed, or, alternatively, a dismissal with prejudice. On January 21, 2026, Student filed an opposition.

RECONSIDERATION

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, generally within ten days. (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.)

Compton timely asserted that after OAH's dismissal of Student's complaint without prejudice, Student re-filed an almost identical case with OAH. This allegation constitutes new facts and circumstances that warrant reconsideration of OAH's decision to dismiss Student's complaint without prejudice. The motion for reconsideration is granted.

DISCUSSION

COMPTON'S REQUEST FOR DISMISSAL WITH PREJUDICE IS DENIED

Although Compton's motion sought sanctions first and dismissal with prejudice in the alternative, Compton's request for dismissal with prejudice is addressed here first; it is OAH's order to dismiss without prejudice for which Compton seeks reconsideration and reversal.

Compton does not provide any law to support its assertion that the present matter should be denied with prejudice. The Individuals with Disabilities Education Act and the California Administrative Procedure Act do not specifically address requests to

withdraw complaints. Although not binding in special education matters, Code of Civil Procedure section 581 is instructive.

Prior to the beginning of trial, a plaintiff may dismiss a complaint without prejudice. A plaintiff may dismiss his or her complaint, or any portion thereof, with or without prejudice prior to the beginning of trial. (Code Civ. Proc., § 581, subd. (c).

A court shall dismiss a case with prejudice only after a trial commences, when either the first witness is sworn or the first evidence is offered. After a trial commences a court shall dismiss a complaint with prejudice, if the plaintiff requests a dismissal, unless all parties consent to dismissal without prejudice; or the court finds good cause for a dismissal without prejudice. (Code Civ. Proc., § 581, subd. (e).) A trial begins after plaintiff's first witness has been sworn in or the first evidence is offered. (Cal. Code. Civ. Proc. § 581, subd. (c).

Compton offers no law that would support dismissal with prejudice in the instant case. On reconsideration, OAH's dismissal without prejudice is affirmed.

COMPTON'S REQUEST FOR SANCTIONS IS DENIED

In addition to reconsideration of OAH's dismissal of Student's case without prejudice, Compton also seeks sanctions. At PHC, Compton asserted that Student was proceeding with litigation in bad faith with no intent to proceed to hearing, and requested that OAH retain jurisdiction over the case to address this. At no time did OAH agree to retain such jurisdiction.

In certain circumstances, an administrative law judge, known as the ALJ, presiding over a special education proceeding is authorized to shift expenses from one party to another, or to OAH. (Gov. Code, §§ 11405.80, 11455.30; Cal. Code. Regs., tit. 5, § 3088;

see *Wyner ex rel. Wyner v. Manhattan Beach Unified School Dist*. (9th Cir. 2000) 223 F.3d 1026, 1029 ["Clearly, [California Code of Regulations] § 3088 allows a hearing officer to control the proceedings, similar to a trial judge."].)

An ALJ presiding over a hearing may, order a party, the party's attorney, or other authorized representative, or both, to pay reasonable expenses, including attorney's fees, incurred by another party because of bad faith actions or tactics that are frivolous or solely intended to cause unnecessary delay. (Gov. Code, § 11455.30, subd. (a); Cal. Code. Regs., tit. 5, § 3088, subd. (a).) An order to pay expenses is enforceable in the same manner as a money judgment or by seeking a contempt of court order. (Gov. Code, § 11455.30, subd. (b).)

However, once OAH dismisses a case, the ALJ no longer presides over the hearing and no longer has jurisdiction to make rulings in that case, including granting an award of sanctions or fee shifting. There are limited circumstances where OAH explicitly retains jurisdiction of a case to rule on pending or anticipated motions, but that did not happen in this case. Further, Compton's motion did not cite any legal authority allowing OAH to retain jurisdiction over this case after dismissal.

OAH's dismissal of Student's case was valid. OAH no longer has jurisdiction to rule on a sanctions motion. Accordingly, Compton's motion for sanctions is denied.

ORDER

1. Student's motion for reconsideration of OAH's dismissal of Student's complaint without prejudice is granted;
2. Upon reconsideration, OAH's dismissal of Student's case without prejudice is affirmed.
3. Compton's motion for sanctions is denied.

IT IS SO ORDERED.

Claire Yazigi

Claire Yazigi
Administrative Law Judge
Office of Administrative Hearings