BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

MANTECA UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026070481

OAH CASE NUMBER 2026070274

# ORDER GRANTING MANTECA'S MOTION TO DISMISS ISSUES WITH PREJUDICE

SEPTEMBER 15, 2026

On July 2, 2026, Manteca Unified School District filed a Request for Due Process Hearing in OAH case number 2026070274, called Manteca's Case, naming Student, with the Office of Administrative Hearings, called OAH. Manteca's case raised both expedited and non-expedited claims.

On July 10, 2026, Student filed a Request for Due Process Hearing in OAH case number 2026070481, called Student's Case, naming Manteca. Student's complaint raised only non-expedited claims.

On July 20, 2026, OAH denied Student's previous request to consolidate without prejudice. OAH indicated that the parties could request consolidation following the expedited due process hearing in Manteca's Case.

OAH heard the expedited portion of Manteca's case on July 28, 29, and 30, and August 4, 2026. On August 4, 2026, the Administrative Law Judge, called an ALJ, granted the parties' joint request to consolidate the two matters, and to continue the consolidated matter to allow the parties to mediate the remaining issues.

On September 1, 2026, Student filed a Motion to Dismiss Student's issues without prejudice. OAH granted that request. Following OAH's order, only Manteca's non-expedited issues remained.

Specifically, those issues were as follows:

1. Does the December 4, 2025, multidisciplinary evaluation, which included psychoeducational, academic, and speech and language assessments, meet all legal requirements such that Student is not entitled to independent educational evaluations in those areas at public expense?
2. Does the December 10, 2025, IEP, as finalized on May 22, 2026, offer Student a FAPE such that Manteca may implement it without parental consent?

The non-expedited hearing commenced on September 9, 2026, and continued on September 10, and 15, 2026. At the start of the hearing day on September 15, 2026, counsel for Manteca moved to dismiss Manteca's two remaining non-expedited issues with prejudice, as Manteca no longer wished to pursue those claims. Student did not object. As explained below, dismissal of Manteca's issues with prejudice is appropriate and the motion is granted.

Neither the Individuals with Disabilities Education Act, called IDEA nor corresponding California law governing due process hearings specifically address motions to withdraw issues when a hearing has already begun. In such situations, OAH looks to California Code of Civil Procedure, section 581 by analogy.

California Code of Civil Procedure, section 581, subdivision (e), provides "[a]fter the actual commencement of trial, the court shall dismiss the complaint, or any causes of action asserted in it, in its entirety or as to any defendants, with prejudice, if the plaintiff requests a dismissal, unless all affected parties to the trial consent to dismissal without prejudice or by order of the court dismissing the same without prejudice on a showing of good cause."

California Code of Civil Procedure, section 581, subdivision (a)(6) provides that "[a] trial shall be deemed to actually commence at the beginning of the opening statement or argument of any party or his or her counsel, or if there is no opening statement, then at the time of the administering of the oath or affirmation to the first witness, or the introduction of any evidence."

Based on the above authority, the due process hearing on Manteca's issues commenced and dismissal with prejudice is appropriate. Accordingly, Manteca's request to dismiss its two non-expedited issues with prejudice is granted. There are no other pending issues in this matter.

The IDEA generally requires that an ALJ issue a written decision on the merits of the alleged claims, "made on substantive grounds based on a determination of whether the child received a free appropriate public education." (20 U.S.C. § 1415(f)(3)(E)(i).) However, a dismissal with prejudice qualifies as a final judgment on the merits. (See e.g. *Brown v. City of Los Angeles* (C.D. Cal. October 8, 2025) 5:25-cv-01215-SRM-JDE, 2025

WL 3158107 [citing *Boeken v. Philip Morris USA, Inc.* (2010) 48 Cal. 4th 788, 793].) Accordingly, this Order shall constitute the written Decision for the non-expedited portion of this matter.

## ORDER

1. Manteca's Motion to Dismiss Manteca's non-expedited issues with prejudice is granted.
2. All pending dates are vacated.
3. This Order shall constitute the written Decision for the non-expedited portion of this matter.

IT IS SO ORDERED.

*Ashok Pathi*

Ashok Pathi
Administrative Law Judge
Office of Administrative Hearings