

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:
PARENT ON BEHALF OF STUDENT,

and

DESERT SANDS UNIFIED SCHOOL DISTRICT,
OAH CASE NUMBER 2026050251
OAH CASE NUMBER 2026071007

ORDER GRANTING RECONSIDERATION

AUGUST 3, 2026

On July 27, 2026, the undersigned Administrative Law Judge issued orders during the Prehearing Conference on this matter which granted Desert Sands Unified School District's request to amend its complaint, in OAH Case Number 2026071007, and granted District's Sands Unified's request to consolidate its amended complaint with Student's complaint in OAH Case Number 2026050251.

On July 24, 2026, Student filed an opposition to the consolidation of the two cases, contending that consolidation was unnecessary as Student provided written consent to the implementation of the December 4, 2025, IEP, amended May 16, 2026, thereby rendering Desert Sands Unified's amended complaint moot. The parties argued

the issues during the Prehearing Conference held July 27, 2026, at which time the ALJ denied Student's contention that Desert Sands Unified's amended complaint was moot.

APPLICABLE LAW

The Office of Administrative Hearings will generally reconsider a ruling upon a showing of new or different facts, circumstances, or law justifying reconsideration. (See, e.g., Gov. Code, § 11521; Code Civ. Proc., § 1008.) In this matter, upon further consideration of the existing case law, the ALJ on her own motion has reconsidered whether Desert Sands Unified's complaint is moot and should be dismissed for lack of jurisdiction to determine further remedies.

DISCUSSION

If a parent has consented to the entire IEP, the parent need not specify they agree the IEP offers FAPE. Conversely, if the parent disagrees with some or all of the IEP, the operative question for OAH jurisdiction is consent. In a school district FAPE complaint, the school district seeks to have OAH declare the IEP a FAPE, in order for implementation of the IEP absent parental consent. The remedy in Desert Sands Unified's amended FAPE case is precisely implementation of the IEP.

Here the provision of FAPE is not in question from Desert Sands Unified's perspective because it believes it offered FAPE and Parents consented to complete implementation Desert Sands Unified's offer. A school district is required to file for due process only when a component of the IEP is necessary for a student to receive FAPE and the parent has withheld consent to that portion. (*I.R. v. Los Angeles Unified School District* (9th Cir. 2015) 805 F. 3d 1164.)

There is no summary judgment procedure in special education. OAH will, however, dismiss allegations and cases not within its jurisdiction.

The main purpose of the Individuals with Disabilities Education Act, referred to as the IDEA, is to ensure that all children with disabilities have available to them a free appropriate public education, called a FAPE, that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment and independent living. (20 U.S.C. § 1400 et. seq.; 34 C.F.R. § 300.1 (2006) et seq.; Ed. Code, § 56000 et seq.; Cal. Code Regs., tit. 5, § 3000 et seq.) The IDEA affords parties procedural protection of an impartial due process hearing with respect to any matter relating to the identification, assessment, or educational placement of the child, or the provision of a FAPE to the child. (20 U.S.C. § 1415(b)(6) & (f); 34 C.F.R. § 300.511; Ed. Code, §§ 56501, 56502, and 56505; Cal. Code Regs., tit. 5, § 3082.)

OAH has jurisdiction only over claims alleging the IDEA or California special education laws were violated. Alternatively, if a Parent withholds consent, a district can request a hearing to prove the IEP is necessary for the “provision of a FAPE.” However, when Parents consented to the entire IEP, Desert Sands Unified’s sole issue became moot, leaving nothing further to be adjudicated on behalf of the school district.

On its own reconsideration, the ALJ determines that the sole issue contained in Desert Sands Unified’s amended complaint is moot, and OAH has no jurisdiction to make further orders or provide additional remedies pursuant to Desert Sands Unified’s amended complaint. Therefore, the sole issue in Desert Sands Unified’s amended complaint is dismissed without prejudice, and the consolidated case will proceed on Student’s issues only and on the dates set for prehearing conference and

due process hearing contained in the Order Following Prehearing Conference filed concurrently with this Order of Reconsideration.

IT IS SO ORDERED.

Judith Pasewark

Judith Pasewark

Administrative Law Judge

Office of Administrative Hearings