BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

GLENDALE UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025120710

ORDER DENYING MOTION TO RETAIN JURISDICTION

FEBRUARY 25, 2026

On December 17, 2025, the Office of Administrative Hearings, called OAH, received a due process hearing request from Student, naming Glendale Unified School District. The complaint contained expedited and non-expedited hearing claims. OAH set the expedited and non-expedited matters for separate hearings.

On December 23, 2025, OAH issued an Order determining the non-expedited issues in the due process complaint insufficient, vacated the non-expedited hearing dates, and granted Student leave to amend. Student did not timely file an amended complaint. The expedited claims proceeded to hearing with no continuances.

On February 6, 2026, Glendale filed a written closing brief. Within Glendale's closing brief, Glendale requested that OAH keep this matter open and retain jurisdiction

to allow Glendale to file a motion for sanctions and/or motion to shift fees. On February 17, 2026, OAH issued a notice of no action regarding Glendale's request to retain jurisdiction and keep the matter open.

On February 18, 2026, at 9:21 AM, Glendale filed a motion to retain jurisdiction to allow it to bring a motion to shift fees and costs, supported by a declaration by its counsel. Glendale contends Student's complaint was frivolous and based on intentional misrepresentation, and Parent engaged in inappropriate conduct during the due process proceeding that caused unnecessary delay and needlessly increased the costs of litigation. Glendale further asserts that its counsel was not able to prepare a motion to shift fees and costs because after the expedited hearing, she prepared a written closing brief, and then immediately represented Glendale in another due process hearing.

Thereafter, on February 18, 2026, OAH issued a Decision in the expedited matter, determining that Glendale did not fail to hold a manifestation determination review meeting for disciplinary removals occurring during the 2025-2026 school year. OAH has not received a response, to Glendale's motion to retain jurisdiction, from Student as of the time of issuing this order.

APPLICABLE LAW

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."].) Only the ALJ presiding at the hearing may place expenses at issue. (Cal. Code. Regs., tit. 5, § 3088, subd. (b).) An ALJ may

order a party or their attorney to pay reasonable expenses, including attorney's fees, incurred by another party due to bad faith actions or tactics that are solely intended to cause unnecessary delay in the proceedings. (Gov. Code, § 11455.30(a).)

Under title 20 United States Code section 1415(i)(3)(B)(i)(II)-(III), the district courts of the United States have jurisdiction to award attorney's fees to a prevailing party who is a State educational agency or local educational agency against the attorney of a parent who files a complaint or subsequent cause of action that is frivolous, unreasonable, or without foundation, or where the attorney continued to litigate after the litigation clearly became frivolous, unreasonable, or without foundation. Such fees may be recoverable from the attorney or parent where the complaint or subsequent cause of action was presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation. (20 U.S.C. § 1415 (i)(3)(B)((i)(II)-(III).) OAH has no jurisdiction over the imposition of attorney's fees against a parent or their attorney for complaints or causes of action that were alleged to be frivolous, unreasonable, without foundation, or continued for an improper purpose.

Under the Individuals with Disabilities Education Act, decisions issued after an administrative due process hearing are final decisions. A party disagreeing with the administrative decision may appeal it to a court within 90 days from when the decision was issued. (Ed. Code, § 56505 subd. (k).) Once a decision is issued, OAH does not have jurisdiction over the case.

DISCUSSION

OAH had jurisdiction to consider sanctions for certain bad faith actions or tactics occurring during the course of the litigation before it. However, once the Decision issued, OAH no longer had such jurisdiction.

Moreover, OAH does not have jurisdiction to consider whether Student's complaint or any subsequently filed issue was frivolous, unreasonable, without foundation, or continued for an improper purpose, such that Glendale is entitled to attorney's fees. Such actions are within the jurisdiction of the district courts.

Here, Glendale's motion failed to cite any legal authority for its assertion that OAH should retain jurisdiction to allow it to bring a motion to shift fees and costs based on inappropriate conduct allegedly occurring during the litigation or any authority giving OAH jurisdiction to entertain motions for attorney's fees based upon an allegedly frivolous complaint filed in an expedited matter. For all these reasons, Glendale's motion is denied.

ORDER

Glendale's motion to retain jurisdiction is denied.

Daniel Senter

Daniel Senter
Administrative Law Judge
Office of Administrative Hearings