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 STUDENT'S MOTION TO DISMISS ISSUES WITHOUT PREJUDICE

SEPTEMBER 1, 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. As explained below, that request is granted.

DISMISSAL OF STUDENT'S ISSUES WITHOUT PREJUDICE IS APPROPRIATE

Generally, a party may voluntarily withdraw its own issues or complaint prior to the start of the hearing without prejudice. However, Student's complaint was consolidated with Manteca's complaint after the conclusion of the expedited portion of Manteca's case. Accordingly, Student's complaint was consolidated into a matter in which the due process hearing had already begun. This unusual situation requires additional analysis to determine whether Student may dismiss Student's complaint without prejudice.

Neither the Individuals with Disabilities Education Act 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 Student's issues has not commenced.

The expedited due process hearing only involved Manteca's expedited issue. As such, Student did not make an opening statement, call witnesses, or admit evidence in support of Student's issues, which at that time, were not consolidated with Manteca's case and not the subject of the expedited hearing. Moreover, Manteca repeatedly and successfully objected to witnesses and other evidence Student attempted to introduce as part of the expedited hearing, as being not relevant to the expedited issue. Therefore, Student has neither made an opening statement, called a witness, or introduced evidence in a due process hearing which included Student's issues.

These same facts also independently establish good cause to allow Student to dismiss Student's issues without prejudice. (Code of Civ. Pro. § 581, subd. (e).) When OAH considers whether good cause is established, OAH considers factors including whether considerable time, expense, and resources were spent defending the complaint. Here, Student's issues have not been heard, and Manteca has not mounted a defense against them. The time Manteca spent was in prosecuting its own claim at the expedited hearing. Based on the totality of the circumstances. There is good cause to allow Student to dismiss Student's issues without prejudice.

THE MATTER REMAINS CONSOLIDATED AND ON THE CURRENT TIMELINE

As explained above, OAH granted the parties' joint request to consolidate Student and Manteca's matters on August 4, 2026. The applicable timelines for the due process hearing and decision for the consolidated matter were set based on the date of filing of Student's complaint, as explained in the August 4, 2026, Order.

The withdrawal of Student's issues does not reverse the consolidation or alter the due process timelines currently in place. The matter will proceed on Manteca's issues on the currently scheduled dates.

ORDER

1. Student's Motion to Dismiss Student's issues without prejudice is granted.
2. The matter remains consolidated pursuant to OAH's August 4, 2026 Order.
3. The matter shall proceed on Manteca's issues only.
4. All pending dates are confirmed.

IT IS SO ORDERED.

Ashok Pathi

Ashok Pathi
Administrative Law Judge
Office of Administrative Hearings