BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

TAHOE TRUCKEE UNIFIED SCHOOL DISTRICT AND SIERRA EXPEDITIONARY LEARNING SCHOOL.

OAH CASE NUMBER 2026050505

ORDER DENYING STUDENT'S MOTION FOR EVIDENTIARY AND ISSUE SANCTIONS

JUNE 24, 2026

On June 16, 2026, Parent on behalf of Student filed a motion for evidentiary and issue sanctions arguing intentional spoilation and judicial deception with the Office of Administrative Hearings, called OAH. Tahoe Truckee Unified School District, called Tahoe Truckee, and Sierra Expeditionary Learning School, called Sierra Expeditionary Learning, did not file responses to Student's motion.

Student moved for evidentiary and issue sanctions against Tahoe Truckee and Sierra Expeditionary Learning based on four contentions:

(1) Tahoe Truckee, Sierra Expeditionary Learning, or both, had inconsistent positions regarding Student's enrollment status;

(2) Tahoe Truckee, Sierra Expeditionary Learning, or both, withheld and/or altered educational records;

(3) Tahoe Truckee, Sierra Expeditionary Learning, or both, retaliated against Student by initiating a School Attendance Review Team (SART) process during the pendency of litigation; and

(4) Tahoe Truckee, Sierra Expeditionary Learning, or both, served a proof of service concerning a motion to dismiss without attaching the motion for Parent to review.

APPLICABLE LAW

An administrative law judge 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 as a result 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).)

"Actions or tactics" is defined as including, but not limited to, making or opposing motions or filing and serving a complaint. (Gov. Code, §11455.30, subd. (a); Code Civ. Proc., § 128.5, subd. (b)(1).) "Frivolous" means totally and completely without merit or for the sole purpose of harassing an opposing party. (Gov. Code, § 11455.30, subd. (a); Code Civ. Proc., § 128.5, subd. (b)(2).) "Whether an action is frivolous is governed by an objective standard: any reasonable attorney would agree it is totally and completely without merit [citations]." (*Levy v. Blum* (2001) 92 Cal.App.4th 625, 635.) In

addition, there must be a showing of improper purpose. (*Ibid.*) A finding of "bad faith" does not require a determination of evil motive. (*West Coast Development v. Reed* (1992) 2 Cal.App.4th 693, 702.)

ALLEGATION ONE

As to allegation one, Student argued that Tahoe Truckee, Sierra Expeditionary Learning, or both, asserted Student was not enrolled for certain purposes while simultaneously issuing truancy notices, which generally applies to enrolled students. Student contended this inconsistency demonstrates bad faith and warrants sanctions.

However, the issue concerning Student's enrollment status and the local educational agency responsible for Student are disputed factual matters that go to the merits of the case and require an evidentiary due process hearing. Thus, allegation one does not establish grounds for evidentiary or issue sanctions.

ALLEGATION TWO

Student further contended Tahoe Truckee, Sierra Expeditionary Learning, or both, failed to timely produce educational records, produced only a limited number of documents after several weeks, and may have modified records during litigation. Student characterized these actions as intentional withholding, alteration, or spoliation of evidence affecting parental participation rights.

At this time, Student's allegations regarding the educational records, without both sides able to present evidence, does not establish intentionally withholding records, altering documents, or engaging in spoliation. The disputed facts concerning educational records production can be addressed during the evidentiary due process hearing on the merits. Accordingly, as to allegation two, evidentiary and issues sanctions are not warranted.

ALLEGATION THREE

Student also argued that Tahoe Truckee, Sierra Expeditionary Learning, or both, retaliated against Student by initiating a SART process during the pendency of this litigation. Student contends such conduct constitutes harassment and retaliation.

To the extent Student seeks relief based on alleged retaliation or inappropriate use of the SART process, these claims are outside of the Individuals with Disabilities Education Act and the California Education Codes related to special education. Thus, these issues are outside of OAH's jurisdiction, and are matters beyond the scope of this proceeding. Accordingly, allegation three does not provide a basis for issue or evidentiary sanctions in this forum.

ALLEGATION FOUR

Finally, Student argued Tahoe Truckee, Sierra Expeditionary Learning, or both improperly served a proof of service in this matter related to a motion to dismiss but failed to serve Parent the actual motion, violating parental participation and the inability to respond, warranting sanctions.

However, the motion to dismiss has already been adjudicated and denied on June 2, 2026, before Parent filed this motion. Any dispute regarding service of documents related to that motion is therefore moot, did not prejudice Student, and does not support the imposition of sanctions.

The imposition of evidentiary or issue sanctions is an extraordinary remedy. Based on the record presented, Student did not establish that Tahoe Truckee and/or Sierra Expeditionary Learning engaged in conduct warranting such sanctions. The disputed factual issues within OAH's jurisdiction identified by Student are more

appropriately resolved through the due process hearing and the presentation of evidence.

Accordingly, Student's motion for evidentiary and issue sanctions is denied.

IT IS SO ORDERED.

Cynthia Fritz

Cynthia Fritz
Administrative Law Judge
Office of Administrative Hearings