BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

SEQUOIA UNION HIGH SCHOOL DISTRICT.

OAH CASE NUMBER 2023110714

NOTICE OF NO ACTION ON DISTRICT'S MOTIONS TO DISMISS, UNEXPEDITE, CONSOLIDATE, AND CONTINUE

DECEMBER 6, 2023

On October 5, 2023, Sequoia Union High School District filed a request for due process hearing, called a complaint, with the Office of Administrative Hearings, called OAH, naming Student as respondent. On November 21, 2023, Student filed a complaint with OAH, naming Sequoia as respondent. Student's case alleged issues that require an expedited hearing and decision, pursuant to United States Code, title 20, section 1415(k), as well as issues that are not required to be determined on an expedited basis. On December 1, 2023, Sequoia filed a Notice of Insufficiency as to Student's complaint, combined with motions to dismiss, to "unexpedite," to consolidate, and to continue. Sequoia dismissed its case on December 4, 2023.

OAH does not accept multiple motions combined into one document, as times for responses from opposing parties, times for rulings and applicable legal standards vary for different motions. For instance, the IDEA requires that a ruling on a Notice of Insufficiency be issued within five-days of filing. (20 U.S.C. § 1415(c)(2(D).) The same deadline does not apply to orders on the other motions bundled together. Combining motions also causes confusion for the opposing party and the possibility that a motion requiring response can be missed.

OAH will take no action on Sequoia's Motions to dismiss, unexpedite or continue as they were not separately filed and served as required. Sequoia's motion to consolidate is moot as Sequoia's case was dismissed on December 4, 2023. Sequoia's Notice of Insufficiency will be addressed in a separate document.

IT IS SO ORDERED.

Penelope Pahl

Penelope S. Pahl
Administrative Law Judge
Office of Administrative Hearings