BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

WESTERN PLACER UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2024110160

OAH CASE NUMBER 2024100971

# ORDER DENYING REQUEST FOR CONTINUANCE AS MOOT

NOVEMBER 8, 2024

On November 5, 2024, Student filed a Motion to Continue the due process hearing with the Office of Administrative Hearings, OAH. Within the pleading that contained Student's Motion to Continue, Student included a Motion for Sanctions. On November 7, 2024, Western Placer Unified School District opposed the Motion to Continue and the Motion for Sanctions.

Student contends the hearing should be continued to allow the consolidated cases to be tried together and to allow Student to review records that Western Placer has failed to produce. Student moves for sanctions based on Western Placer's alleged failure to produce requested education records. Western Placer opposes the motion to

continue because Student did not propose any alternative hearing dates and because Western Placer is not opposed to consolidation, which effectively is a continuance of Western Placer's case. Western Placer opposes the Motion for Sanctions because the motion was the first notice it received of this issue, it has already produced certain education records that Student alleges it has not, certain records are outside the scope of Student's initial request, and it is willing to provide access to additional records, which it has already offered.

OAH must conduct a due process hearing and issue a decision within 45 days of receiving the due process complaint, unless an extension is granted. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) Resolving the due process hearing quickly is legally required. Hearings may only be continued if "good cause" is established. (Ed. Code, § 56505, subd. (f)(3).) Generally, continuances are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

Here, on November 8, 2024, OAH consolidated the cases, designated Student's Case OAH case number 2024110160 as the primary case, and vacated all dates previously set in Western Placer's Case, OAH case number 2024100971. Accordingly, Student's Motion to Continue is denied as moot.

Student's Motion to Continue contained a Motion for Sanctions. Student's Motion for Sanctions is not separately addressed, because Student failed to file a separate motion for sanctions. (See Code Civ. Proc., § 128.5 subd. (f)(1)(A).) It is not

appropriate to move for sanctions within a different motion. The parties are encouraged to meet and confer about the records request.

The request to continue is denied.

IT IS SO ORDERED.

*Daniel Senter*

Daniel Senter
Administrative Law Judge
Office of Administrative Hearings