

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

PLACER UNION HIGH SCHOOL DISTRICT.

OAH CASE NUMBER 2026041151

ORDER DENYING DISTRICT'S REQUEST FOR OFFICE OF
ADMINISTRATIVE HEARINGS TO RETAIN JURISDICTION
REGARDING SANCTIONS BY SHIFTING DISTRICT'S
EXPENSES

SEPTEMBER 30, 2026

On April 23, 2026, Student filed a Request for Due Process hearing with the Office of Administrative Hearings, called OAH, naming Placer Union High School District, called District. OAH granted a continuance for good cause and scheduled the hearing to begin on September 29 through October 1, 2026.

On September 28, 2026, Student filed a request for dismissal without prejudice.

On September 28, 2026, District filed a response to Student's request for dismissal, which included a motion. District asks that OAH retain jurisdiction of the case for 30 days to allow District to file a request for attorney fees and sanctions or set an order to show cause to shift expenses regarding the costs District incurred between September 18 and September 29, 2026, preparing for the hearing. District argues that on September 24, 2026, it was informed by Student's counsel that Student was likely to withdraw the case and the parties met and conferred about a stipulated dismissal which did not result in agreement, but Student did not serve the dismissal until September 27, 2026. District argues that the ALJ has authority to order a party to pay fees incurred by the other party because of the bad faith actions or tactics that are frivolous or solely intended to cause unnecessary delay. District also requests that the order of dismissal contain certain language as to the rights District intends to reserve despite the dismissal by Student.

Student did not file a reply to District's response.

On September 28, 2026, OAH issued a Notice of Case Dismissal vacating all hearing dates and closing the matter.

District points to nothing in either the Individuals with Disabilities Education Act nor the California Administrative Procedures Act that specifically addresses requests for dismissal of due process cases under these circumstances. Although not binding in special education matters, Code of Civil Procedure section 581, subdivision (c), states that a plaintiff may dismiss his or her complaint, or any portion thereof, with or without prejudice prior to the actual trial commencing. Under certain circumstances, an administrative law judge 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.”].) A party may be ordered to pay expenses of a party, or OAH as a result of bad faith actions or tactics that are frivolous or solely intended to cause unnecessary delay. (Cal. Code Regs. tit. 5, § 3088, subd. (a); Gov. Code, §11455.30.)

Here, Student requested dismissal of his case without prejudice before the hearing commenced. Although OAH has the power to retain jurisdiction for purposes of considering whether to impose sanctions against a party, District has failed to demonstrate any proper basis for the ALJ to do so. On September 24, 2026, Student’s counsel informed District’s counsel that Student would likely withdraw the case, and sent the dismissal to District’s attorney on Sunday, September 27, 2026. There has been no adequate offer of proof that Student engaged in bad faith actions or tactics that were frivolous or solely intended to cause unnecessary delay. There is no doubt District incurred fees preparing for hearing before Student served his dismissal. However, the fact that Student changed his mind about litigating this case to instead pursue the civil litigation is wholly insufficient to warrant the action District requests. It is not the type of conduct that sanctions were meant to redress.

The two OAH cases District relies on are inapposite and therefore unpersuasive. Both cases involved a pattern of misconduct by the petitioner’s lawyers. In one case, petitioner’s counsel failed to appear at the expedited mediation and never cancelled it. Also, although the case had settled, petitioner did not file a dismissal and did not timely appear at the expedited due process hearing. In the other case, the ALJ found that petitioner’s counsel sent unprepared and inexperienced lawyers to the prehearing conference and demonstrated a lack of candor. Also, the petitioner’s lawyers belatedly attempted to dismiss the case on the first day of hearing after parent objected to the

issues in the prehearing conference order, which issues had apparently never been shared with parent and were never objected to by petitioner's counsel. The ALJ also noted petitioner counsel's history of sanctionable conduct in other cases. Neither case is similar to the situation here. In any event, previous OAH orders are informational and not binding in other cases involving different parties. (Cal. Code Regs., tit. 5, § 3085.)

Accordingly, all of District's requests are denied.

IT IS SO ORDERED.

Laurie Gorsline

Laurie Gorsline

Administrative Law Judge

Office of Administrative Hearings