BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

SNOWLINE JOINT UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2023110431

OAH CASE NUMBER 2024010262

NOTICE OF NO ACTION ON SNOWLINE JOINT UNIFIED'S MOTION TO SHIFT FEES AND IMPOSE SANCTIONS

APRIL 12, 2024

On November 11, 2023, Parent on behalf of Student filed a request for due process hearing with the Office of Administrative Hearings, called OAH, in case number 2023110431, naming Snowline Joint Unified School District, called Snowline. On January 9, 2024, Snowline filed a due process hearing request with OAH naming Parent on behalf of Student. On January 12, 2024, OAH consolidated the two cases and identified Student's case as the primary case for determining statutory deadlines.

The due process hearing in this consolidated matter was held on January 23, 24, 25, 30, and 31, and February 1, 2024. On March 22, 2024, OAH issued a final decision in

the consolidated cases. On April 8, 2024, Snowline filed a motion to shift fees and impose sanctions. On April 11, 2023, Student filed an opposition to Snowline's motion.

Snowline's primary assertion is that two or more of Student' issues were frivolous or brought for an improper purpose. The district courts of the United States shall have jurisdiction of actions challenging the decision of an administrative agency and requests by a prevailing party for an award of attorneys' fees. (20 U.S.C. § 1415(i)(3)(A)(i)(II), (III).) The Individuals with Disabilities Education Act, called IDEA, permits a court, in its discretion, to award reasonable attorneys' fees as part of the costs to a prevailing party who is a State educational agency or local educational agency against:

- the attorney of a parent who files a complaint or subsequent cause of action that is frivolous, unreasonable, or without foundation;
- against the attorney of a parent who continued to litigate after the litigation clearly became frivolous, unreasonable, or without foundation;
- or to a prevailing State educational agency or local educational agency against the attorney of a parent, or against the parent, if the parent's complaint or subsequent cause of action was presented for any improper purpose, such as to harass, to cause unnecessary delay, or to needlessly increase the cost of litigation. (20 U.S.C. § 1415(i)(3)(B)(i)(II), (III).)

Under the IDEA, decisions issued after an administrative due process hearing are final decisions. (20 U.S.C. § 1415(i)(1)(A).) A party disagreeing with the administrative decision may appeal it to a court within 90 days from when the decision was issued. (20 U.S.C. § 1415(i)(1)(B); Ed. Code, § 56505 subd. (k).) Once a decision is issued, OAH does not have jurisdiction over the case. Accordingly, no action is taken on Snowline's motion to shift fees and impose sanctions.

This Order does not prevent Snowline from filing a claim for its attorney fees or other sanctions in a court of competent jurisdiction, such as a federal district court in accordance with title 20 United States Code section 1415(i).

Jennifer Kelly

Jennifer Kelly
Administrative Law Judge
Office of Administrative Hearings