

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

OAKLAND UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2010100928

ORDER TO SHOW CAUSE WHY  
COMPLAINT SHOULD NOT BE  
DISMISSED

On October 15, 2010, Student filed a request for due process hearing (complaint). On December 2, 2010, the parties attended mediation and came to an agreement in principle. The originally scheduled dates for a prehearing conference (PHC) and due process hearing were continued, with the PHC scheduled for January 12, 2011, and the due process hearing scheduled for January 24-26, 2011.

On January 12, 2011, the PHC was held. Student's attorney, Laurette Garcia, informed the undersigned that a settlement agreement had been executed by the parties, and it was being submitted to the District's Board of Education for approval. Once the Board approved the settlement agreement, counsel for Student was to file a notice of withdrawal. Accordingly, the dates for the due process hearing were vacated, and a status conference was scheduled for February 3, 2011, at 1:30 p.m.

On February 3, 2011, the undersigned attempted to convene a telephonic status conference, but neither the District's representative, nor Student's attorney could be reached by telephone. To date, Student has not submitted a notice of withdrawal.

If the parent and local education agency have not resolved the due process complaint within 30 days of the receipt of the complaint, OAH is required to issue a decision within the next 45 days, unless a continuance is granted for good cause. (20 U.S.C. § 1415(f)(1)(B)(ii); 34 C.F.R. § 300.51; Ed. Code, § 56502, subd. (f).)

Here, Student has not filed a notice of withdrawal, and neither party appeared at the status conference on February 3, 2011. Given the lengthy delays in this matter, Student's

attorney, Laurette Garcia, is ordered to either file a notice of withdrawal, or show cause in writing no later than February 17, 2011, at 5:00 p.m., as to why this matter should not be dismissed.

IT IS SO ORDERED.

Dated: February 4, 2011

/s/

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REBECCA FREIE  
Administrative Law Judge  
Office of Administrative Hearings