

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matter of:

PARENT ON BEHALF OF STUDENT,

OAH CASE NO. 2011061183

v.

VICTOR ELEMENTARY SCHOOL
DISTRICT,

VICTOR ELEMENTARY SCHOOL
DISTRICT.

OAH CASE NO. 2011080637

v.

PARENT ON BEHALF OF STUDENT.

ORDER TO SHOW CAUSE WHY
STUDENT'S COMPLAINT SHOULD
NOT BE DISMISSED

On October 12, 2011, a telephonic prehearing conference (PHC) was held before Administrative Law Judge (ALJ) Stella L. Owens-Murrell, Office of Administrative Hearings, (OAH). Megan Moore, Attorney at Law, appeared on behalf of District. No appearance was made on behalf of Student. The PHC was recorded.

Student's PHC statement was due on October 7, 2011, but Student did not file a PHC statement. The hearing of this matter is scheduled for October 31, 2011 and November 1-4, 2011. On October 10, 2011 OAH called Parent and left a message requesting the filing of a PHC statement. Parent did not respond. On the day of the PHC the undersigned ALJ called Parent to participate in the PHC but Parent did not answer. The ALJ left a message advising Parent that the purpose of the call was to start the PHC in this consolidated matter. Parent did not immediately respond. District Counsel indicated that they had not heard from Parent and District had reason to believe Parent was no longer in the jurisdictional boundaries of District because District had recently received a request for Student's records from another school district. The ALJ advised District counsel that the PHC would be continued to October 24, 2011 to 1:30 and an OSC re dismissal would issue on Student's case. After the PHC was concluded the ALJ received a call from OAH Sacramento that Parent called and said she was not aware of a PHC. The ALJ informed OAH Sacramento the PHC was continued and Parent would receive notice of the OSC re dismissal.

By this Order, Student is ordered to show cause why her complaint should not be dismissed for failure to prosecute her case. On or before October 21, 2011, Student is ordered to file with OAH: 1) a written response stating why Student's case should not be

dismissed; and 2) a PHC statement as instructed in the initial scheduling order. Failure to file a response and PHC statement may result in dismissal of Student's case at a continued PHC on October 24, 2011 at 1:30 p.m.

IT IS SO ORDERED.

Dated: October 12, 2011

/s/

STELLA OWENS-MURRELL
Administrative Law Judge
Office of Administrative Hearings