

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

TORRANCE UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2016010810

ORDER TO SHOW CAUSE AS TO
WHY CASE SHOULD NOT BE
DISMISSED

On May 13, 2016, a telephonic prehearing conference was held before Administrative Law Judge Caroline A. Zuk, Office of Administrative Hearings. Parent did not appear on behalf of Student. Geoffrey Winterowd, Attorney at Law, appeared on behalf of Torrance Unified School District. William Zubia was available to provide Spanish language translation services for Parent. The PHC was recorded.

Based upon parent's failure to appear on behalf of Student, and discussion with District, the ALJ issues the following Order:

1. Order to Show Cause. On January 26, 2016, Student filed a request for a due process hearing in Spanish against District. On March 7, 2016, OAH issued an order to show cause as to why the Student's case should not be dismissed for failure to participate, prosecute, or advance the matter, because Student could not be reached at the telephone number on file, and Student did not file any prehearing conference statements for the February 26, 2016, and March 4, 2016 prehearing conferences.

During the March 18, 2016 prehearing conference, the parties discussed the March 7, 2016, Order to Show Cause. Student stated that she intended to proceed with her case. Student provided adequate justification on the order to show cause and, therefore, the parties proceeded with the two-hour prehearing conference. The ALJ reminded Student to carefully read and comply with OAH's Orders, translated into Spanish, regarding the procedures to prepare for the due process hearing. The ALJ encouraged Student's parent to contact Case Manager Noe Fajaro at (916) 263-0880, if she had questions about the Orders.

On March 21, 2016, OAH issued a detailed Order Following Prehearing Conference, summarizing the discussions and orders relating to the due process hearing, then set for March 29 and 30, 2016.

On March 28, 2016, OAH granted District's request to continue the hearing, because Student had failed to serve District with her exhibits as required by the March 21, 2016, Order Following Prehearing Conference, and District's counsel had a calendar conflict. OAH scheduled a follow-up telephonic prehearing conference for May 13, 2016, and set the due process hearing for May 24, 25 and 26, 2016.

On May 13, 2016, the ALJ attempted three times to telephone Student's parent for the follow-up prehearing conference, but a recorded message stated that the telephone number had been disconnected, and was no longer in service. District orally moved for dismissal of Student's case based on Student's failure to appear and advance the matter.

1. District's motion to dismiss Student's case is denied to allow Student an opportunity to respond to this Order.

2. The due process hearing remains on calendar for **May 24, 25 and 26, 2016**, and continuing day to day, Monday through Thursday, at the discretion of the ALJ. The hearing shall take place at the District's offices located at 2335 Plaza Del Amo, Torrance, California 90501. The hearing shall begin at 9:30 a.m. the first day of the hearing and at 9:00 a.m. all other days, unless otherwise ordered.

3. **Student is ordered to show cause at a telephonic conference on May 23, 2016, at 10:00 a.m., as to why this matter should not be dismissed for failure to participate, prosecute, or advance the matter.** Should Student fail to appear for the telephonic conference or provide adequate justification on the order to show cause, Student's case shall be dismissed without prejudice.

IT IS SO ORDERED.

DATE: May 16, 2016

DocuSigned by:

Caroline Zuk

CAROLINE A. ZUK

Administrative Law Judge

Office of Administrative Hearings