

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

SACRAMENTO CITY UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2011020330

ORDER OF DISMISSAL OF DUE  
PROCESS COMPLAINT

On February 8, 2011, Parents, on behalf of Student, filed with the Office of Administrative Hearings (OAH) a Request for Mediation and Due Process Complaint that named the Sacramento City Unified School District (District). OAH assigned the matter case number 2011020330.

On February 9, 2011, OAH issued an initial Scheduling Order in the case that set a mediation for March 15, 2011, a prehearing conference for March 30, 2011, and a due process hearing for April 5, 2011.

On March 30, 2011, OAH conducted a prehearing conference in the matter. The parties announced that they had reached a settlement. The prehearing conference judge informed Parent that she must send OAH a withdrawal letter in order for OAH to dismiss the pending Request for Mediation and Due Process Hearing. The prehearing conference judge informed Parent that, in the event that a withdrawal letter was not sent, OAH would dismiss the complaint on its own. The prehearing conference judge set a status conference for April 13, 2011, in order to determine the status of the withdrawal letter.

On April 13, 2011, OAH conducted a status conference with the parties, and learned that Parents had not yet filed a withdrawal letter with OAH. The status conference judge again informed Parent that she must formally withdraw the Request for Mediation and Due Process Hearing, or else OAH will move the dismiss the case on its own. The status conference judge continued the status conference to April 27, 2011.

On April 27, 2011, OAH conducted a second status conference in the matter. A representative from the District informed the status conference judge that Parents had not yet formally withdrawn the pending Request for Mediation and Due Process Hearing. Despite several attempts, the status conference judge was not able to speak with Parents during the status conference.

Based upon the foregoing, OAH Case No. 2011020330 is dismissed without prejudice.

IT IS SO ORDERED.

Dated: April 28, 2011

/s/

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TIMOTHY L. NEWLOVE  
Presiding Administrative Law Judge  
Office of Administrative Hearings