

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LIBERTY UNION HIGH SCHOOL  
DISTRICT.

OAH CASE NO. 2011031491

ORDER GRANTING REQUEST TO  
REOPEN CASE

On March 28, 2011, attorneys Celia R. Bernal and Jean M. Adams, on behalf of Student, filed a due process hearing request (complaint) against the Liberty Union High School District (District). On April 4, 2011, Ms. Adams requested that the Office of Administrative Hearings (OAH) dismiss the above-titled case, without prejudice. OAH has not issued an order of dismissal in this matter.

On April 21, 2011, Parent, on behalf of Student, filed a request that OAH reopen the above-titled case because Parent never gave Ms. Adams the authority to dismiss this matter. The District did not file a response.

Because OAH has not dismissed the above-titled case and the District has not suffered any prejudice because the case was still in the 30-day resolution session period, Ms. Adams' April 4, 2011 letter will be treated as a withdrawal of counsel. Because it appears that the parties did not hold a resolution session meeting, it would be in the interest of justice to reset the 45-day calendar to the date of this order to allow the parties to participate in the resolution session, and to allow the District to properly respond to the complaint. (34 C.F.R. §§ 300.510(a)(1) and 300.515(a)(1) (2006), and Ed. Code, §§ 56501.5, subd. (a), 56502, subd. (f) and 56505, subd. (f).)

ORDER

1. The request to reopen the case is granted. The complaint is reopened under the same case number.
2. The 45-day timeline shall be reset and commence as of the date of this order.
3. OAH will issue a new scheduling order.

Dated: May 3, 2011

/s/

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PETER PAUL CASTILLO  
Administrative Law Judge  
Office of Administrative Hearings