

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

VALLEJO CITY UNIFIED SCHOOL
DISTRICT AND NAPA VALLEY
UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2012060220

ORDER DISMISSING STUDENT'S
REQUEST FOR DUE PROCESS
HEARING PURSUANT TO ORDER TO
SHOW CAUSE

On August 15, 2012, the Parent on behalf of Student failed to participate in the prehearing conference (PHC) and was ordered to show cause in writing why this case should not be dismissed for her failure to participate, prosecute or advance the case for hearing. Parent was ordered to file a written response with the Office of Administrative Hearings (OAH) no later than 12:00 p.m. on August 20, 2012, and to participate in a telephonic conference regarding this Order to Show Cause (OSC) on Monday, August 20, 2012 at 3:00 p.m. Parent was ordered to file a notice of withdrawal of this matter with OAH if she no longer wished to pursue her case on behalf of Student. OAH served Parent with the OSC and Order following PHC by overnight mail on August 15, 2012.

OAH did not received a written response from Parent. Shortly after the time set for the telephonic conference on August 20, 2012, at 3:30 p.m., the undersigned contacted the Parent on her telephone. The Parent indicated that she was at work and did not wish to participate and that she had already informed "someone" that she was not going forward with this case. The undersigned asked the Parent to stay on the line for the telephonic conference. The Parent hung up and the undersigned was not able to reach her a second time.¹

Attorney Sally Dutcher appeared on behalf of the Napa Valley Unified School District (Napa) along with the Napa special education director Ms. Burkhart. Attorney Rodney Levin appeared on behalf of the Vallejo City Unified School District (Vallejo). The hearing on the OSC was recorded. Neither District has had any communication with the Parent. Both Districts requested that the matter be dismissed.

¹ The ALJ did leave a message for the Parent at approximately 3:40 informing her that the hearing regarding the order to show cause as to whether this matter should be dismissed was proceeding in her absence and invited her to immediately call OAH if she wished to participate and be heard. OAH did not receive a call from the Parent.

Here, the Parent has not diligently pursued this matter. She failed to submit a PHC statement, informed OAH staff that she was not certain she wanted to proceed to hearing, failed to participate in the PHC on August 15, 2012, failed to submit a written notice of withdrawal of this matter, and failed to submit a written response to the OSC and participate in the telephonic conference specially set for August 20, 2012. This matter is hereby dismissed due to the Parent's failure to prosecute this case.

IT IS SO ORDERED.

Dated: August 20, 2012

/s/

THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings