

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2013051008

ORDER OF DISMISSAL FOLLOWING
ORDER TO SHOW CAUSE

On October 18, 2013, a telephonic order to show cause (OSC) hearing as to why the case should not be dismissed because of Parent's failure to participate at the October 14, 2013 prehearing conference (PHC) was held before Administrative Law Judge (ALJ) Sabrina Kong, Office of Administrative Hearings (OAH). Patrick Balucan, Attorney at Law, appeared on District's behalf. Mother appeared on Student's behalf. Victor Ramos, a certified Spanish interpreter, interpreted for Mother. The OSC hearing was recorded.

Mother represented she did not participate in the PHC because she was in the hospital for pneumonia on October 14, 2013. Mother represented that Student is currently detained in juvenile hall. The ALJ informed Mother that the District has no jurisdiction to place Student in a non-public school, the remedy Mother requested from District in her due process complaint and at the September 10, 2013 hearing, since Student is presently incarcerated. The ALJ provided Mother two choices: (1) to withdraw the case and re-file when Student is released from juvenile hall; or (2) to proceed with the hearing on October 22, 23 and 24, 2013 as ordered at the September 10, 2013 hearing. Mother chose to withdraw the case.

Based upon Mother's withdrawal of the case, all dates are vacated, and this matter is dismissed without prejudice to being refiled.¹

IT IS SO ORDERED.

Dated: October 18, 2013

/s/

SABRINA KONG

Administrative Law Judge

Office of Administrative Hearings

¹ The ALJ misstated on the record that the case was dismissed with prejudice, it is not.