

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. LOS ANGELES UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2013120333
LOS ANGELES UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH CASE NO. 2013120709 ORDER TO SHOW CAUSE WHY STUDENT'S CASE SHOULD NOT BE DISMISSED, AND CONTINUING PHC ON CONSOLIDATED MATTERS

On December 09, 2013, Student filed a request for due process hearing (complaint). On December 19, 2013, District filed a Request for Due Process Hearing in OAH case number 2013120709 (District's Case), naming Student. On January 3, 2014, OAH consolidated the two cases. The Office of Administrative Hearings (OAH) continued the consolidated matter at the parties' request on January 21, 2014. Student did not file a prehearing conference (PHC) statement as required by the December 11, 2013 scheduling order issued by OAH. On February 27, 2014, Student's attorney filed a Notice of Withdrawal of Representation with OAH. On February 28, 2014, OAH made three attempts to reach Parent for a scheduled telephonic prehearing conference in the consolidated matters. Parent did not answer the phone, and OAH left detailed messages for parent, including informing Parent that an Order to Show Cause re: Dismissal would be issued and the PHC would be continued to 1:00 p.m. on Monday, March 3, 2014. Attorney Donald A. Erwin, counsel for the District, was available and ready to participate in the PHC. The due process hearing in the consolidated matters is set for March 11 and 12, 2014, beginning at 9:00 a.m.

If the parent and local education agency have not resolved the due process complaint within 30 days of the receipt of the complaint, OAH is required to issue a decision within the next 45 days, unless a continuance is granted for good cause. (20 U.S.C. § 1415(f)(1)(B)(ii); 34 C.F.R. § 300.51; Ed. Code, § 56502, subd. (f).)

Here, Parent has not diligently pursued this matter, has not filed a prehearing conference statement and did not appear for the scheduled pre-hearing conference on February 28, 2014.

Parent is ordered to show cause at a telephonic hearing on March 3, 2014 at 1:00 p.m. as to why Student's case should not be dismissed for failure to participate, prosecute or advance the matter. Parent should be prepared to explain whether she intends to retain new counsel during the OSC, at which time the parties can also discuss the scheduling of the due process hearing. Should Student provide adequate justification at the hearing on the order to show cause, the PHC will proceed at that time, unless otherwise ordered. Student is further ordered to file a PHC statement with OAH by noon on Monday, March 3, 2014.

The pre-hearing conference in District's case is continued to 1:00 p.m. on March 3, 2014.

IT IS SO ORDERED.

DATE: February 28, 2014

/s/

ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings