

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

CAPISTRANO UNIFIED SCHOOL  
DISTRICT.

OAH Case No. 2014090017

ORDER TO SHOW CAUSE FOR  
STUDENT'S FAILURE TO APPEAR  
AT STATUS CONFERENCE

The parties successfully mediated a settlement on September 30, 2014. The Office of Administrative Hearings scheduled a status conference on October 1, 2014, the date the parties agreed on. OAH issued an order scheduling the status conference on the date the parties requested. Alefia Mithaiwala, Attorney at Law, appeared on behalf of Capistrano Unified School District. OAH left voice mail messages for Tim Runner, Student's advocate. Mr. Runner failed to appear at the status conference and failed to contact OAH.

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).)

According to Ms. Mithaiwala, the board approved the settlement agreement on November 12, 2014, and Mr. Runner was timely notified on November 17, 2014. Student's failure to appear at the status conference evidences the failure to diligently proceed with this case. Student is ordered to take whatever action is necessary so that Student can file a notice of withdrawal or dismissal, or to show cause in writing no later than December 16, 2014, at 5:00 p.m. as to why this matter should not be dismissed. The parties are also ordered to appear at a telephonic status conference on December 16, 2014, unless prior to that time Student has filed a notice of withdrawal or dismissal with OAH.

DATE: December 4, 2014

/s/

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JUDITH A. KOPEC  
Division Presiding Administrative Law Judge  
Office of Administrative Hearings