

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

TORRANCE UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2016010810

ORDER TO SHOW CAUSE WHY
CASE SHOULD NOT BE DISMISSED
AND ORDER CONTINUING
PREHEARING CONFERENCE ONLY

On January 26, 2016, Student filed a request for a due process hearing in Spanish against the Torrance Unified School District.

On January 28, 2016, OAH issued and served a scheduling order, translated in Spanish for Parent, setting the prehearing conference for February 26, 2016 at 10:00 a.m., and the due process hearing on March 3, 2016. OAH ordered the parties to file written prehearing conference statements at least three business days prior to the prehearing conference.

On February 24, 2016, District filed a prehearing conference statement. Student did not file a prehearing conference statement.

On February 24, 2016, District requested a continuance of the due process hearing.

On February 26, 2016, Administrative Law Judge Kara Hatfield convened the telephonic prehearing conference at 10:00 a.m. Attorney Geoffrey Winterrowd appeared for District. The ALJ called Parent but was unable to reach her. The call went directly to voicemail. The ALJ left a voicemail message, stating that the prehearing conference would be continued to 10:15 a.m. The ALJ telephoned Parent at 10:15 a.m. to convene the prehearing conference, and the call went directly to voicemail. The ALJ left a second message for Parent, stating that she would conduct the prehearing conference without her participation. Parent did not call OAH during the conference.

On February 26, 2016, OAH granted in part, and denied in part, District's request for a continuance, and set the prehearing conference for March 4, 2016 at 3:00 p.m., and the due process hearing for March 15 and 16, 2016. OAH translated the order for Parent, and served it on March 1, 2016.

OAH did not receive a prehearing conference statement from Student for the March 4, 2015 prehearing conference.

On March 4, 2016, OAH telephoned the parties to inform them it was vacating the prehearing conference, and continuing the matter, and would be issuing an order to show cause as to why Student's case should not be dismissed for failure to prosecute it.

On March 4, 2016, Parent telephoned OAH, stating that the telephone number on file has either been cancelled or is in her husband's name. She provided a new telephone number, and informed OAH that she intends to participate in the prehearing conference.

Student's failure to file a statement for the February 26 and March 3, 2016 prehearing conferences suggested that Student did not intend to proceed to hearing. However, Student's parent's March 4, 2016 telephone call suggests that there has been a miscommunication regarding the correct contact information for the parent. Therefore, the ALJ issues the following Order:

1. The prehearing conference is continued to March 18, 2016, at 10:00 a.m.
2. Student is ordered to file a prehearing conference statement by the close of business on Tuesday, March 15, 2016, if Student intends to proceed to hearing.
3. Student is ordered to show cause at the prehearing conference on March 18, 2016, at 10:00 a.m., as to why this matter should not be dismissed for failure to participate, prosecute, or advance the matter. Should Student provide adequate justification on the order to show cause, the prehearing conference will proceed at that time.
4. Student's March 15 and 16, 2016 hearing dates are vacated and the matter continued to March 29 and 30, 2016. Nothing in order precludes District from filing another continuance request, which will be addressed at the March 18, 2016 prehearing conference

IT IS SO ORDERED.

DATE: March 07, 2016

DocuSigned by:

Caroline Zuk

CAROLINE A. ZUK

Administrative Law Judge

Office of Administrative Hearings