BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

LA MESA-SPRING VALLEY SCHOOL DISTRICT.

OAH CASE NUMBER 2024101087

APRIL 9, 2025

DISMISSAL OF CASE AT HEARING

April 9, 2025

On October 30, 2024, the Office of Administrative Hearings, called OAH, received a due process hearing request from Student, naming Chula Vista Elementary School and La Mesa-Spring Valley School District, as Respondents.

On January 22, 2025, the due process hearing in this matter was continued to April 8, 9, and 10, 2025.

On April 4, 2025, Student filed a Notice of Settlement with Chula Vista Elementary School, and OAH vacated the due process hearing dates as to Chula Vista Elementary School only.

On April 8, 2025, Administrative Law Judge, called ALJ, Judith Pasewark commenced the due process hearing on this matter via videoconferencing as to La Mesa-Spring Valley School District only.

Attorney Michelle Wilkolaski represented Parent on behalf of Student. Mother attended all hearing days on Student's behalf. Attorneys Sarah Sutherland and Jade Smith represented La Mesa-Spring Valley School District. Eileen Cotter, Director of Special Education, attended all hearing days on La Mesa-Spring Valley's behalf.

On April 7, 2025, La Mesa-Spring Valley School District filed a Motion for Order to Show Cause requiring Student's attorneys Sheila C. Bayne and Michelle Wilkolaski to show cause regarding their compliance with meet and confer requirements, pursuant to California Education Code, Section 56505 notice requirements, and their availability to orderly proceed as requested with the due process hearing. Student did not file a written response or objection to La Mesa-Spring Valley School District's motion.

Prior to the commencement of testimony on April 8, 2025, the ALJ heard oral arguments regarding La Mesa-Spring Valley School District's motion. The ALJ denied the motion for an order to show cause, but retained jurisdiction over the issue of sanctions or other appropriate relief in the event of continuing non-compliance or other bad faith actions by the parties. The ALJ recessed the hearing until 1:00 p.m. to allow counsel to meet and confer as previously ordered in the December 9, 2024 Order Following Prehearing Conference to establish a joint witness list, and to allow counsel to prepare for the testimony of Mother as the first witness.

At 1:00 p.m., the due process hearing resumed, with Mother sworn in as Student's first witness. Mother testified throughout the remainder of the afternoon session until Student's counsel completed direct examination. Testimony ended at approximately

3:30 p.m., and the parties went off the record to discuss witness scheduling and related issues for the next day of hearing scheduled for April 9, 2025, at 9:00 a.m.

On April 9, 2025, the parties appeared at 9:00 a.m. to resume the hearing. The ALJ asked the parties if there was any business to discuss before the hearing recommenced with Mother's testimony. Both Mother and Student's counsel indicated they wished to make a statement to the ALJ. Both statements were made on the record.

Mother indicated she no longer wished to be represented by the Law Offices of Sheila C. Bayne, nor did she wish to proceed further with the due process hearing. After a lengthy recess, the Law Offices of Sheila C. Bayne filed a Notice of Withdrawal of Counsel.

When the hearing resumed, the ALJ explained to Mother she was appearing without counsel. The ALJ offered to continue the hearing to allow Student to obtain new counsel, mediation to discuss settlement with La Mesa-Spring Valley School District, a recess for the remainder of the day for the parties to discuss settlement, as well as a dismissal of the case without prejudice to reserve Student's rights to revisit the matter. After a lengthy discussion, Mother requested the matter be dismissed with prejudice.

Based upon the discussions with Mother and input from both the attorney and Special Education Director for La Mesa-Spring Valley School District, the ALJ found that Mother understood her rights and options available to her regarding pursuing this matter. Therefore, the due process complaint naming La Mesa-Spring Valley School District is dismissed with prejudice.

ORDER

1. The due process complaint of Parents on behalf of Student v. La Mesa-Spring Valley School District, Case Number 204010087, is dismissed with prejudice.
2. All hearing dates are vacated.
3. Jurisdiction over the issue of sanctions and other related relief is reserved.

Judith Pasewark

Judith Pasewark

Administrative Law Judge

Office of Administrative Hearings