BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. RIVERSIDE COUNTY OFFICE OF EDUCATION.	OAH CASE NO. 2013041189 ORDER FOLLOWING OSC AND DISMISSING EXPEDITED PORTION OF STUDENT'S COMPLAINT BASED ON FAILURE TO PARTICIPATE IN PHC OR OSC, OR TO PROSECUTE OR ADVANCE THE EXPEDITED PORTION OF THE COMPLAINT

On May 22, 2013, a telephonic conference was held before Administrative Law Judge (ALJ) Robert G. Martin, Office of Administrative Hearings (OAH), on the Order to Show Cause re Dismissal of Expedited Portion of Due Process Complaint issued by OAH in this matter on May 20, 2013 (OSC). No appearance was made on behalf of Student. Michelle Jorden, Esq. appeared on behalf of Riverside County Office of Education (RCOE). The telephonic OSC conference was recorded.

On April 29, 2013, Student filed a due process complaint against RCOE. On May 2, 2013, OAH issued a scheduling order, setting a calendar for the expedited portion of the complaint and a calendar for the non-expedited portion of the complaint. The scheduling Order instructed Student to serve and file a prehearing conference statement three days before the May 20, 2013 expedited PHC.

Student did not file a PHC statement prior to the expedited PHC, and Student's parents did not respond to two phone calls made by ALJ Clifford on May 20, 2013 at 1:30 p.m. and 1:40 p.m. for purposes of convening the expedited PHC.

Following the Expedited PHC, OAH on May 20, 2013 issued an order directing Student to show cause at a telephonic conference on May 22, 2013, at 1:30 p.m. why the expedited portion of Student's complaint should not be dismissed for failure to participate, prosecute, or advance the expedited portion of this matter. The OSC stated that, if Student failed to appear at the telephonic hearing on May 22, 2013, at 1:30 p.m., the expedited portion of Student's complaint would be dismissed.

On May 22, 2013 at 1:30 p.m., ALJ Robert G. Martin called Student's parents, at the number provided by them, for the purpose of convening the telephonic conference on the OSC issued on May 20, 2013. Student's parents did not respond to the call or otherwise appear at the OSC conference.

ORDER

1. In accordance with the OSC issued on May 20, 2013, the expedited portion of Student's complaint is dismissed as of this date for failure to participate in the PHC or OSC, or to prosecute or advance the expedited portion of the complaint.

2. The non-expedited portion of the Student's complaint is not affected by this Order, and the non-expedited mediation date of June 4, 2013, the non-expedited PHC date of June 19, 2013 and the non-expedited hearing date of June 25, 2013 remain as calendared.

Dated: May 22, 2013

/s/
ROBERT MARTIN
Administrative Law Judge
Office of Administrative Hearings