BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

ELK GROVE UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2019110717

ORDER TO SHOW CAUSE AS TO WHY MATTER SHOULD NOT BE DISMISSED

On November 19, 2019, Parent on behalf of Student filed with the Office of Administrative Hearings, known as OAH, a request for due process hearing, naming Elk Grove Unified School District. On December 12, 2019, Elk Grove requested this matter be dismissed because the parties resolved it at the resolution session. Student did not respond to Elk Grove's request for dismissal.

APPLICABLE LAW

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).)

DISCUSSION

Here, Elk Grove represented that the case has resolved and requests dismissal of this matter. Student did not file a response to Elk Grove's dismissal request. Student, however, filed this case and is the appropriate party to request dismissal of it. Based upon the representations of Elk Grove's counsel, Parent is ordered to show cause in writing no later than 5:00 PM on December 23, 2019, explaining the status of this case and why this matter should not be dismissed. Failure of Parent to file the writing with OAH by 5:00 PM on December 23, 2019, will result in a dismissal of this matter.

IT IS SO ORDERED.

DocuSigned by:
Cynthia Fritz
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DATED: December 19, 2019

Cynthia Fritz
Administrative Law Judge
Office of Administrative Hearings