BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

ALTA LOMA SCHOOL DISTRICT.

OAH CASE NUMBER 2019091099

ORDER GRANTING STUDENT'S WITHDRAWAL OF DUE PROCESS COMPLAINT

APRIL 28, 2020

On April 22, 2020, Student filed with the Office of Administrative Hearings, referred to as OAH, a request to continue this matter, based upon Student's counsel inability to prepare adequately for a videoconference hearing. Student also contends that California's Administrative Procedures Act does not permit a telephonic or video hearing if one party objects. On April 24, 2020, OAH denied Student's motion as Student incorrectly cited applicable California law as the California Department of Education has authorized video or telephonic hearings in the regulations that govern special education due process hearings.

On April 24, 2020, Student filed a withdrawal of the due process complaint, in which Student's attorney made several incorrect assertions. First, Student's attorney never submitted a declaration from Parent that Parent could not participate in the hearing based on OAH's videoconference procedures. It should be noted that in the Decision in OAH Case Number 2017120979, that it appeared that Parent had internet capabilities as she and Alta Loma engaged in email correspondence and not all Parent's emails were sent from her phone in looking at the email hearing exhibits.

Further, Student's counsel is incorrect as to OAH's long established reasonable accommodation procedures. (https://www.dgs.ca.gov/OAH/Services/Page-Content/Office-of-Administrative-Hearings-Services-List-Folder/Accommodations-at-OAH) Regarding access to exhibits, nothing prevented Student's attorney from providing Parent with a physical copy of the exhibit binders. Finally, OAH cannot create special rules for Student's attorney as the processes that OAH established apply equally to attorneys for students and school districts.

Accordingly, Student due process complaint is dismissed without prejudice.

IT IS SO ORDERED.

DocuSigned by:
Peter Paul Castillo
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Peter Paul Castillo
Presiding Administrative Law Judge
Office of Administrative Hearings