BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
PARENT ON BEHALF OF STUDENT,	OAH CASE NO. 2014120504
v.	ORDER CONTINUING DATES FOR PREHEARING CONFERENCE AND DUE PROCESS HEARING
LOS ANGELES UNIFIED SCHOOL DISTRICT.	

On March 9, 2015, a telephonic prehearing conference was held before Administrative Law Judge Ted Mann, Office of Administrative Hearings. Donald Irwin, Attorney at Law, appeared on behalf of Los Angeles Unified School District. ALJ Mann attempted to reach Student's Mother, who is representing Student, at approximately 1:05 p.m., and 1:15 p.m. to participate in the prehearing conference, but each time a recorded message stated that the number was disconnected or changed, and the call could not be completed. The prehearing conference was not recorded due to Mother's non-appearance.

On March 12, 2015, an Order was issued continuing the prehearing conference to Friday, March 13, 2015, and setting an Order to Show Cause why the Student's complaint should not be dismissed for Mother's failure to appear at the prehearing conference of Monday, March 9, 2015. The Order was not translated in time to provide notice to Mother, and the prehearing conference and Order to Show Cause set for March 13, 2015, were continued on that basis.

Based on the foregoing, the ALJ issues the following order:

1. Continuance of Prehearing Conference. Based on the non-appearance of Mother, and the subsequent lack of notice to Mother, the telephonic prehearing conference is rescheduled to Friday, March 27, 2015, at 10:00 a.m., and OAH shall initiate the PHC.

2. Order to Show Cause. Because Mother was not present for the prehearing conference of March 9, 2015, nor did she submit a request to continue the prehearing conference, Mother shall serve on opposing party and OAH no later than 5:00 p.m. on March 20, 2015, a response why this matter should not be dismissed with prejudice for failure to participate, prosecute or advance the matter, and a declaration under penalty of perjury why Mother did not submit a PHC statement, a witness list, an exhibit list, or attend the March 9, 2015 prehearing conference. Failure to submit such a response shall be cause for the dismissal of this matter with prejudice. If Mother submits a response, the District may submit a reply by 5:00 p.m. on March 25, 2015.

3. Continuance of Hearing Dates. Based upon the necessity of continuing the prehearing conference date, the hearing dates are continued to Tuesday, April 14, 2015 at 9:30

a.m. and Wednesday, April 15, 2015 at 9:00 a.m. The location for the hearing will remain at the Office of Administrative Hearings, 15350 Sherman Way, Suite 300, Van Nuys, CA, 91406.

4. Settlement. The parties are encouraged to continue working together to reach an agreement before the due process hearing. The parties shall inform OAH in writing immediately should they reach a settlement or otherwise resolve the dispute before the scheduled hearing. In addition, if a settlement is reached within five days of the scheduled start of the due process hearing, the parties shall also inform OAH of the settlement by telephone at (916) 263-0880.

IF A FULL AND FINAL WRITTEN SETTLEMENT AGREEMENT IS REACHED AFTER 5:00 P.M. THE DAY PRIOR TO HEARING, THE PARTIES SHALL LEAVE A VOICEMAIL MESSAGE REGARDING THE SETTLEMENT AT (916) 274-6035. THE PARTIES SHOULD ALSO LEAVE CONTACT INFORMATION SUCH AS CELLULAR PHONE NUMBERS OF EACH PARTY OR COUNSEL FOR EACH PARTY. THE PARTIES SHOULD SIMULTANEOUSLY **FAX THE SIGNATURE PAGE OF THE SIGNED AGREEMENT OR A LETTER WITHDRAWING THE CASE TO THE OAH AT THE FAXINATION LINE at 916-376-6319.**

Dates for hearing will not be cancelled until the letter of withdrawal or signature page of the signed agreement has been received by OAH. If an agreement in principle is reached, the parties should plan to attend the scheduled hearing unless different arrangements have been agreed upon by the assigned ALJ. The assigned ALJ will check for messages the evening prior to the hearing or the morning of the hearing.

5. Failure to comply with this order may result in the exclusion of evidence or other sanctions.

IT IS SO ORDERED.

DATE: March 13, 2015

/S/

TED MANN
Administrative Law Judge
Office of Administrative Hearings