BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENTS ON BEHALF OF STUDENT, v. LYNWOOD UNIFIED SCHOOL DISTRICT AND LOS ANGELES COUNTY OFFICE OF EDUCATION.	OAH Case No. 2019010870 ORDER FOLLOWING PREHEARING CONFERENCE, SETTING ORDER TO SHOW CAUSE RE DISMISSAL, AND CONTINUING DUE PROCESS HEARING DATES

On March 11, 2019, a telephonic prehearing conference was held before Administrative Law Judge Kara Hatfield, Office of Administrative Hearings. Richard Gonzalez, Attorney at Law, appeared on behalf of Lynwood Unified School District. Patrick Saldana, Attorney at Law, appeared on behalf of Los Angeles County Office of Education. The ALJ made three attempts to contact Student's attorney Alexander Diaz, but he did not answer the telephone. The PHC was recorded.

Based upon discussion with the parties, the ALJ issues the following order:

1. Order to Show Cause re Dismissal. Student's attorney failed to file a prehearing conference statement and failed to appear for the PHC.[1] Due to Student's attorney's failure to appear, Student, Lynwood, and Los Angeles County are ordered to appear telephonically on March 15, 2019, at 3:00 p.m. Student is ordered to show cause why this case should not be dismissed. If Student demonstrates that the matter should not be dismissed, the parties should be prepared to go forward with the prehearing conference at that time. Student shall submit a written response to the order to show cause by 5:00 p.m. on March 13, 2019, which shall include a declaration by Student's counsel regarding his failure to file a PHC statement and his non-appearance at the PHC.

2. Hearing Dates, Times, and Location. The hearing is continued one week to permit the order to show cause to proceed, and shall take place on March 26, 27, and 28, 2019, and continuing day to day, at the discretion of the ALJ. The hearing shall take place at the Lynwood's office located at 11321 Bullis Rd., Lynwood, CA 90262. The hearing shall

[1] Mr. Diaz called OAH approximately 50 minutes after the PHC to inquire about it. OAH staff informed him the ALJ repeatedly called but he had not answered. Mr. Diaz then provided a phone number that was different than the phone number on the caption of Student's complaint, and which Mr. Diaz had not previously provided or requested be called for the PHC.

begin at 9:30 a.m. the first day of the hearing and at 9:00 a.m. all other days, unless otherwise ordered.

3. 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 EMAIL THE SIGNATURE PAGE OF THE SIGNED AGREEMENT OR A LETTER WITHDRAWING THE CASE TO OAH AT https://www.applications.dgs.ca.gov/oah/oahsftweb.

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.

If the matter settles subject to board approval, in addition to a signed copy of the signature page of the settlement agreement as noted above, the parties shall provide the date of the next board meeting. The hearing dates will not be cancelled without this information.

4. Failure to comply with this order may result in the exclusion of evidence or other sanctions, including dismissal of Student's complaint.

IT IS SO ORDERED.

DATE: March 11, 2019

DocuSigned by:
Kara Hatfield
8085C9417D1C4CF...

KARA HATFIELD
Administrative Law Judge
Office of Administrative Hearings