

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENT ON BEHALF OF STUDENT,

v.

WILLIAM S. HART UNION HIGH SCHOOL DISTRICT.

OAH CASE NUMBER 2020040907

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

JULY 6, 2020

On April 30, 2020, Mother on behalf of Student filed a request for due process hearing, called a complaint, naming William S. Hart. The proof of service accompanying the complaint stated that Mother personally served the complaint on William S. Hart's Superintendent of Schools on that day. OAH issued a scheduling order that same day which, among other things, informed Mother that she was required to file a prehearing conference statement three business days before the prehearing conference, called a PHC, which the scheduling order set for June 1, 2020.

On May 27, 2020, William S. Hart filed a PHC statement asserting that it had never been served a copy of the complaint, and that it knew of the complaint only as

the result of the scheduling order issued by OAH. On May 28, 2020, OAH sent William S. Hart a copy of the complaint at its request.

At the PHC on June 1, 2020, the parties and the ALJ discussed the status of the complaint and the fact that Mother had not filed a prehearing conference statement on behalf of Student. Mr. Wade acknowledged receipt of the complaint from OAH. With the parties' agreement, the ALJ declined to resolve any dispute about service of the complaint and instead reset the timeline so that the complaint was deemed to have been served on William S. Hart on June 1, 2020. In the order resetting the timeline, Mother was instructed again to file a PHC statement three business days before the rescheduled PHC. The next day OAH issued another scheduling order resetting the PHC for July 6, 2020, and again instructing Mother that she had to file a PHC statement three business days before the prehearing conference.

Mother did not file a PHC statement before the July 6, 2020, or otherwise engage in any activity concerning her case, and did not appear for the PHC on that day.

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).)

Here, Mother on behalf of Student has not diligently pursued this matter. She has failed three times to file a PHC statement and has failed to appear at the PHC on July 6, 2020. Given the lengthy delays in this matter, Mother on behalf of Student is ordered to show cause in writing, in a declaration filed under oath, no later than 5:00 p.m. on July 13, 2020, as to why this matter should not be dismissed for lack of activity.

IT IS SO ORDERED.

Charles Marson

Administrative Law Judge

Office of Administrative Hearings