

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

RIO BRAVO-GREELEY UNION SCHOOL
DISTRICT.

OAH CASE NO. 2013010152

ORDER TO SHOW CAUSE WHY
CASE SHOULD NOT BE DISMISSED

On January 07, 2013, Student filed a request for due process hearing (complaint). The parties purportedly settled the case at the resolution session on January 17, 2013.

On February 25, 2013, a Pre-Hearing Conference was held by ALJ Deborah Myers-Cregar. Parent did not answer her telephone, and did not return the ALJ's telephone call. ALJ Myers-Cregar convened the PHC with the District representative. Parents did not participate in the PHC. District provided a copy of the purported settlement document, which is executed by Mother. However, Parents have not filed a written request to withdraw the case, in spite of numerous requests from OAH staff.

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, Parent has not diligently pursued this matter and did not appear at the PHC. Therefore, a telephonic hearing is hereby set for **Wednesday, February, 2013 at 2:00 p.m.**, at which time Parent shall show cause as to why this matter should not be for failure to participate, prosecute or advance the matter.

If Parents file a written Request to Withdraw the due process complaint, the telephonic OSC will be taken off calendar.

IT IS SO ORDERED.

Dated: February 25, 2013

/s/

DEBORAH MYERS-CREGAR
Administrative Law Judge
Office of Administrative Hearings