

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

COMPTON UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2014090796

ORDER TO SHOW CAUSE FOR
FAILURE TO PARTICIPATE IN
STATUS CONFERENCE

On November 12, 2014, the Office of Administrative Hearings conducted a status conference. Yonit Kovnator, Attorney at Law, appeared for District. Student failed to appear.

On October 20, 2014, Student informed OAH of a settlement that was to be considered by District's governing board on October 28, 2014. On October 21, 2014, OAH scheduled a status conference on November 12, 2014. OAH staff left a message for Surisa Rivers, Attorney for Student, requesting the status of the settlement. She never responded.

According to Ms. Kovnator, the District's governing board approved the settlement on October 28, 2014. An email was sent to Ms. Rivers informing her on October 30, and she responded confirming receipt and stated she would submit a withdrawal or request to dismiss the case. OAH has not received either one.

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, Student's failure to appear at the status conference evidences the failure to diligently proceed with this case. Student's counsel has not filed a notice of withdrawal or dismissal. Student is order~~ed~~ to file a notice of withdrawal or dismissal, or to show cause in writing no later than November 25, 2014, at 5:00 p.m. as to why this matter should not be dismissed. The parties are also ordered to appear at a telephonic status conference on

November 26, 2014, at 2:00 p.m., unless prior to that time Student has filed a notice of withdrawal or dismissal with OAH.

DATE: November 12, 2014

/s/

JUDITH A. KOPEC
Division Presiding Administrative Law Judge
Office of Administrative Hearings