

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2014120504

ORDER FOLLOWING PREHEARING
CONFERENCE; CONTINUANCE OF
PREHEARING CONFERENCE; ORDER
TO SHOW CAUSE

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.

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

1. Continuance of Prehearing Conference. Based on the non-appearance of Mother, the telephonic prehearing conference is rescheduled to March 13, 2015, at 10:00 a.m., and OAH shall initiate the PHC. The hearing date of March 16, 2015, remains on calendar.
2. Order to Show Cause. Because Mother was not present for the prehearing conference 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 11, 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 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 12, 2015.
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 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 10, 2015

/s/

TED MANN
Administrative Law Judge
Office of Administrative Hearings