

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN MATEO FOSTER CITY SCHOOL
DISTRICT.

OAH Case No. 2015080093

ORDER TO SHOW CAUSE WHY
COMPLAINT SHOULD NOT BE
DISMISSED FOR FAILURE TO
PROSECUTE

This matter was filed on July 23, 2015, and was scheduled for telephonic prehearing conference (PHC) on September 4, 2015. San Mateo filed a timely PHC statement, but Student did not. On September 4, 2015, the PHC telephonic prehearing conference (PHC) was held before the undersigned ALJ. Student's attorney, Elizabeth Aaronson, did not appear and was unavailable by telephone. The ALJ telephoned Ms. Aaronson's office at the time scheduled for the PHC, and was told by the receptionist that Ms. Aaronson was not present. The ALJ then called Ms. Aaronson's cell phone number, and got a recording identifying the number as Ms. Aaronson's. A second call to that cell phone number five minutes later also reached the same recording. There has been no communication by Ms. Aaronson to OAH since she cancelled a mediation on August 13, 2015.

ORDER TO SHOW CAUSE

Under the reauthorized Individuals with Disabilities Education Improvement Act (IDEA 2004), a due process hearing must be conducted and a decision rendered within 45 days following a 30-day resolution period, after receipt of the due process notice, in the absence of an extension. (Ed. Code §§ 56502, subd. (f), and 56505, subd. (f)(3).) Given the short time frames applicable to this case, it is critical that the parties follow orders issued by OAH and participate in advancing the matter to hearing.

Student is ordered to show cause in writing why the above-captioned case should not be dismissed for his failure to participate in, prosecute or advance the case for hearing.

Student is ordered to file a written response with OAH by not later than 5:00 p.m. on September 11, 2015, by facsimile transmission to (916) 376-6319. Student's response shall address why her representative did not file a PHC statement or appear for the PHC on September 4, 2015, and whether he intends to go forward to a hearing. Any factual assertions will be disregarded unless they are made by declaration under oath.

Should Student fail, without excuse, to timely file a response as ordered above, showing adequate cause for his apparent failure to prosecute this matter, OAH may dismiss this case without further notice.

ORDER

1. Student is hereby ordered to show cause in writing why this matter should not be dismissed. Student must file a response to this Order no later than 5:00 p.m. on September 11, 2015.
2. The hearing dates of September 16 and 17, 2015, are confirmed.

DATE: September 04, 2015

/s/

CHARLES MARSON
Administrative Law Judge
Office of Administrative Hearings