

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

ORANGE UNIFIED SCHOOL DISTRICT.

OAH Case No. 2015071123

ORDER TO SHOW CAUSE WHY
CASE SHOULD NOT BE DISMISSED

On July 15, 2015, attorney Mark Woodsmall, on behalf Parents and Student, filed a request for a due process hearing with the Office of Administrative Hearings, naming the Orange Unified School District.

On November 4, 2015, the parties jointly stipulated to delay the filing of the prehearing conference statements, to November 6, 2015, at 12:00 p.m. Neither party submitted a PHC statement at that time. On November 6, 2015, OAH called each party's attorney's office and advised each attorney that a PHC statement was required, as ordered on July 27, 2015.

On November 9, 2015, as a courtesy to the parties, OAH moved the PHC to November 13, 2015.

OAH requires a party to file a PHC statement at least three business days prior to the PHC. The OAH record in this case shows that neither party has filed a PHC statement with OAH for this PHC, as previously ordered.

APPLICABLE LAW

Under the Individuals with Disabilities Education Act, 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.

ORDER TO SHOW CAUSE

When a party files a complaint pursuant to the IDEA, that party has a duty to prosecute the case which includes disclosing his/her witnesses and documentary exhibits and otherwise prepare for hearing by attending the mandatory prehearing conference. The petitioning Student's election to not file a PHC statement is disruptive of the OAH hearing process.

Student, as the petitioning party, is ordered to file a written response with OAH by no later than 12:00 p.m. on November 13, 2015, by facsimile transmission to (916) 376-6319. A copy of the response shall be served upon District by facsimile. District is not expected to file a written response.

Student's response shall address why his representative did not file a PHC statement. **The order to show cause hearing shall take place telephonically at the beginning of the PHC, set for November 13, 2015, at 3:00 p.m.** Failure of Student's representative to appear telephonically at the PHC on November 13, 2015, will result in the dismissal of this case.

ORDER

1. An Order to Show Cause as to why the above captioned matter should not be dismissed is hereby issued. Student must file a response no later than 12:00 p.m. on Friday, November 13, 2015.
2. All dates in this matter shall remain as calendared, pursuant to the order following PHC.
3. A telephonic order to show cause hearing shall be convened at 3:00 p.m., on Friday, November 13, 2015.

DATE: November 12, 2015

/s/

PAUL H. KAMOROFF
Administrative Law Judge
Office of Administrative Hearings