

**BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA**

**IN THE MATTER OF:
PARENT ON BEHALF OF STUDENT,**

v.

**SOLEDAD UNIFIED SCHOOL DISTRICT.
OAH CASE NUMBER 2019070067**

**ORDER TO SHOW CAUSE WHY MATTER SHOULD NOT BE DISMISSED
FOR PARENT'S FAILURE TO APPEAR AT THE PREHEARING
CONFERENCE AND ORDER CONTINUING PREHEARING CONFERENCE
AND DUE PROCESS DATES**

On July 1, 2019, Student filed a request for due process hearing, complaint. A joint request to continue the due process hearing was granted on August 6, 2019, setting the Prehearing Conference for September 30, 2019 at 10:00 A.M.

The undersigned attempted to convene the prehearing conference at the assigned time. Three attempts to reach Parent over a half hour window were made to the number shown in the request for due process hearing filed on Student's behalf. Three voice mails were left; however, the undersigned was unable to reach Parent. Jennifer Baldassari, Attorney at Law, appeared on behalf of Soledad Unified School District.

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).)

DISCUSSION

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 or resolution. Parent's non-compliance with procedure and failure to participate in the PHC put the timely resolution of this matter in doubt. Parent is responsible for understanding and following OAH's procedures, including making all required appearances. Failure to do so may result in the complaint being dismissed.

Parent is ordered to file a declaration with OAH, and serve a copy on counsel for Soledad Unified, no later than Noon on October 9, 2019, explaining her failure to appear at the prehearing conference on September 30, 2019, and why the case should not be dismissed for not moving forward with the hearing.

As a result of Parent's failure to appear, the current dates will be vacated, and the dates in this matter will be continued for Parent to respond to this order to show cause.

ORDER

1. This matter is continued for Parent to respond to this order to show cause.
2. Parent must respond to this order and may file a declaration under penalty of perjury explaining her failure to appear at the prehearing conference on September 30, 2019, and why the case should not be dismissed, no later than October 9, 2019, at noon.

3. The new dates in this matter will be: Prehearing Conference: October 28, 2019 at 10:00 A.M.; Due Process Hearing: November 5 through November 7, 2019.

IT IS SO ORDERED.

DocuSigned by:
Tiffany Gilmartin
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DATED: September 30, 2019

Tiffany Gilmartin
Administrative Law Judge
Office of Administrative Hearings