

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

KONOCTI UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021090249

ORDER TO SHOW CAUSE AS TO WHY MATTER SHOULD

NOT BE DISMISSED FOR INACTIVITY

OCTOBER 26, 2021

On September 7, 2021, Student filed a request for due process hearing, also called a complaint, naming Konocti Unified School District as respondent. On October 19, 2021, Student's counsel submitted a notice to OAH substituting Parent as Student's representative.

On October 25, 2021, a prehearing conference, also called a PHC, was scheduled for 3:00 pm. Parent did not file the required prehearing conference statement prior to the PHC. Parent was notified by email of the remote videoconference but did not join by either telephone or computer at the designated 3:00 p.m. start time. On Monday

afternoon, Parent was called by OAH staff, who left a message giving Parent until 3:20 pm to appear. When the PHC resumed, Parent did not join the videoconference.

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 has not diligently pursued this matter and has not appeared at the prehearing conference or filed a prehearing conference statement. Given the failure to appear in this matter, Student is ordered to file documents no later than Monday, November 1, 2021, at 3:00 PM, to show cause in writing as to why this matter should not be dismissed. The document must address the questions of why no prehearing conference statement was filed, and Student did not appear at the prehearing conference. Student must also state why the case should not be dismissed for failure to participate. Konocti shall have until Wednesday, November 3, 2021, at 3:00 PM to file any response to Student's filing regarding the order to show cause. If Student does not respond to the Order to Show Cause, the case will be dismissed.

This matter must be continued to accommodate the Order to Show Cause. Accordingly, all currently scheduled dates are vacated. If the case is not be dismissed, it will be set as follows:

The PREHEARING CONFERENCE will be held November 5, 2021, at 10:00 a.m.
Parent shall file a Prehearing Conference statement no later than Tuesday November 2, 2021.

The HEARING is continued to November 16, 17, and 18, 2021.

IT IS SO ORDERED.

Penelope S. Pahl

Penelope S. Pahl

Administrative Law Judge

Office of Administrative Hearings