

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

RIVERSIDE UNIFIED SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NUMBER 2021100202

ORDER FOLLOWING PREHEARING CONFERENCE

DISMISSING CASE FOR FAILURE TO PROSECUTE

OCTOBER 18, 2021

On October 18, 2021, Administrative Law Judge Tara Doss, from the Office of Administrative Hearings, convened a prehearing conference by videoconference. The Office of Administrative Hearings is called OAH. The prehearing conference is called a PHC.

Both Riverside Unified School District and Student are represented by attorneys. Neither attorney appeared at the PHC. On October 18, 2021, before the PHC, Student filed a request to dismiss Riverside's case on the grounds that the parties reached a settlement agreement in this case and a separate Student-filed OAH case. Student

attached a copy of the settlement agreement's signature pages. The attached pages did not indicate the agreement was for this case.

Student cannot dismiss this case because Riverside initiated the request for a due process hearing. Only Riverside or OAH can dismiss this case. Thus, the parties should have appeared at the PHC. Riverside's failure to appear at the PHC constitutes a failure to prosecute its case. Failure to prosecute a case is grounds for OAH to dismiss the case. Accordingly, this case is dismissed.

IT IS SO ORDERED.

Tara Doss

Tara Doss

Administrative Law Judge

Office of Administrative Hearings