

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

ROSEMONT HIGH SCHOOL,
SACRAMENTO CITY UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021100144

ORDER TO SHOW CAUSE AS TO WHY MATTER SHOULD
NOT BE DISMISSED AND ORDER
CONTINUING PREHEARING VIDEOCONFERENCE
AND DUE PROCESS HEARING

NOVEMBER 16, 2021

On October 4, 2021, Student filed a request for due process hearing with the Office of Administrative Hearings naming Rosemont High School and Sacramento City Unified School District. The Office of Administrative Hearings is referred to as OAH.

OAH issued a scheduling order on October 7, 2021. The last day to request mediation and file prehearing conference statements was November 9, 2021. The

Prehearing Videoconference, referred to as PHC, was scheduled for November 15, 2021, at 1:00 pm. The Due Process Hearing was scheduled for November 30, 2021 through December 2, 2021.

Rosemont High School and Sacramento City Unified School District filed a Notice of Insufficiency on October 14, 2021. OAH issued an Order Determining Complaint was Insufficiently Pled and Granting Leave to Amend Issue Three. Student did not file an amended complaint with respect to Issue Three.

Rosemont High School and Sacramento City Unified School District filed their Prehearing Videoconference Statement on November 9, 2021. Student did not file a Prehearing Videoconference Statement.

On November 12, 2021, the undersigned Administrative Law Judge, referred to as ALJ, issued electronic invitations to Student's parent and counsel for Rosemont High School and Sacramento City Unified School District to attend the Prehearing Videoconference on November 15, 2021, at 1:00 pm. The invitations were sent to the email addresses on file with OAH.

On November 15, 2021, the ALJ attempted to hold the Prehearing Videoconference. Attorney Jennifer Baldasarri appeared on behalf of Rosemont High School and Sacramento City Unified School District. No appearance was made by Student's parent. The ALJ attempted to reach Student's parent by leaving a message on his voicemail at approximately 1:08 pm and providing him call in instructions to access the Prehearing Videoconference. The undersigned ALJ and Attorney Baldasarri waited until 1:30 pm in the Prehearing Videoconference virtual room. Student's parent failed to appear, and at approximately 1:35 pm the ALJ ended the Prehearing 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 by failing to file a Prehearing Videoconference Statement and to appear at the Prehearing Videoconference. Student is ordered to show cause why this case should not be dismissed at a videoconference hearing on November 19, 2021, at 10:00 am. If Student demonstrates that this matter should not be dismissed, the ALJ will hold the continued Prehearing Videoconference immediately following the Order to Show Cause hearing. This matter shall proceed as follows:

VIDEOCONFERENCE HEARING TO SHOW CAUSE WHY CASE SHOULD NOT BE DISMISSED: November 19, 2021, at 10:00 am.

PREHEARING VIDEOCONFERENCE: November 19, 2021, at 10:00 am.

DUE PROCESS HEARING: BY VIDEOCONFERENCE: December 7, 8 and 9, 2021.

PARTICIPANT INFORMATION SHEETS FOR MEDIATION AND PREHEARING CONFERENCES MUST BE FILED TWO BUSINESS DAYS PRIOR TO THE DATE OF THE SCHEDULED EVENT.

The hearing shall begin at 9:30 am on all days unless otherwise ordered. The hearing shall continue day to day, as needed at the discretion of the ALJ.

Prehearing videoconference statements and motions are due to OAH no later than three business days before the prehearing videoconference or with a showing of good cause why it was not timely filed.

IT IS SO ORDERED.

Jennifer Kelly

Jennifer Kelly

Administrative Law Judge

Office of Administrative Hearings