

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PIONEER UNION ELEMENTARY SCHOOL DISTRICT

AND KINGS COUNTY OFFICE OF EDUCATION

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NUMBER 2021110014

ORDER FOLLOWING PREHEARING CONFERENCE,

DISMISSING THE CASE WITHOUT PREJUDICE

NOVEMBER 15, 2021

On November 15, 2021, Administrative Law Judge Penelope Pahl, Office of Administrative Hearings, held a prehearing conference by videoconference. The Administrative Law Judge is called an ALJ. The Office of Administrative Hearings is called OAH. The prehearing conference is called a PHC.

Attorneys, Alyssa Bivens and Sochie Graham, appeared on behalf of Pioneer Union Elementary School District and Kings County Office of Education. No appearance was made on behalf of Student. The PHC was recorded. Following a discussion with

Attorneys for the district and county Office of Education, the ALJ issues the following order:

ORDER OF DISMISSAL WITHOUT PREDJUDICE

OAH was not provided Parents' contact information, prior to the prehearing conference, to facilitate Parents participation. Additionally, the file lacked clear notice that Parent received the complaint. The complaint and subsequent documents were served on a law firm that represented Parents regarding a due process hearing request filed in 2019. That law firm, however, has never filed a notice of appearance or any other paper indicating its involvement in this case.

Parents have taken no action on their own behalf in this case. Parents did not file a prehearing conference statement, or participant information form in advance of the PHC. OAH was unable to reach Parents by telephone, and the voice mailbox was full. Parents have made no inquiries with OAH regarding this case. Pioneer and Kings County were unable to establish that Student understood his responsibilities as a respondent in this case. As a result of the forgoing, the case was dismissed without prejudice, without objection from district and office of education counsel. Pioneer and Kings County are on notice that should this matter be refiled, clear notice to Parent must be established.

ORDER

1. This matter is dismissed without prejudice.
2. All dates are vacated.

IT IS SO ORDERED.

Penelope S. Pahl

Penelope S. Pahl

Administrative Law Judge

Office of Administrative Hearings