

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT

v.

ANTELOPE VALLEY UNION HIGH SCHOOL DISTRICT.

OAH CASE NUMBER 2021090800

ORDER TO SHOW CAUSE AS TO WHY MATTER SHOULD
NOT BE DISMISSED FOR INACTIVITY;
CONTINUANCE OF HEARING

JANUARY 12, 2022

On September 27, 2021, Student filed a request for due process hearing, complaint. A prehearing conference was held on January 7, 2021. Prior to the prehearing conference, neither party had filed the required prehearing conference statements. At the prehearing conference, the parties reported that they had reached agreement on settlement, but that the settlement document had not been signed by both parties. The prehearing conference was adjourned to January 10, 2021. On that date, Parent informed the ALJ that the settlement had been fully executed. The ALJ informed Parent that a notice of settlement or withdrawal of claims needed to be filed

with OAH to resolve the matter. Parent stated that she would do so that day. No such notice has been received by OAH.

If the parent and local education agency have not resolved a 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, the parties have not diligently pursued this matter and have not filed prehearing conference statements. OAH has been informed that the matter has settled, but no notice of settlement or withdrawal of claims has been filed. Parent has stated that she would file a notice with OAH but has not done so.

Accordingly, the dates set for hearing in this matter are vacated, and the matter continued. Parent is ordered to show cause in writing no later than Thursday, January 20, 2022, at 5:00 PM as to why this matter should not be dismissed. If there is no response to this Order to Show Cause by the deadline, the matter will be dismissed and the case closed.

Prehearing Conference and Order to Show Cause Hearing is scheduled for January 21, 2022, at 3:00 PM. Failure to appear by Parent will be grounds for OAH to dismiss Student's case for failure to prosecute this action.

Due Process Hearing will be held on February 1, 2022, through February 3, 2022. 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 Administrative Law Judge. Prehearing conference statements and motions are due to OAH no later than three

business days before the prehearing conference or with a showing of good cause why it was not timely filed.

IT IS SO ORDERED.

Chris Butchko

Chris Butchko

Administrative Law Judge

Office of Administrative Hearings