

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

STOCKTON UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024050096

ORDER SETTING HEARING ON ORDER TO SHOW CAUSE
AND ON RECONSIDERATION OF ORDER GRANTING
STUDENT'S MOTION TO CONTINUE DUE PROCESS
HEARING

JUNE 20, 2024

On June 14, 2024, the Office of Administrative Hearings, called OAH, issued an Order Granting Request for Continuance of Due Process Hearing by Videoconference and Order to Show Cause Why Student's Counsel Should Not Be Sanctioned related to the circumstances regarding Student's June 13, 2024, Motion to Continue the Due Process Hearing.

The undersigned's June 14, 2024, Order to Show Cause required Student's Counsel to respond no later than 5:00 PM on June 19, 2024, and provided Stockton Unified School District, called Stockton, an opportunity to respond due no later than 5:00 PM on June 21, 2024. This Order does not change the timeline for Stockton to respond to the June 14, 2024, Order to Show Cause and to Student's June 19, 2024, response to that Order. The Order to Show Cause did not set a hearing but left open that possibility.

Following receipt of Student's June 13, 2024, Motion to Continue, OAH informed the parties that any response to Student's motion was due no later than 12:00 noon on June 14, 2024. Stockton filed a response to Student's motion at 4:24 PM on June 14, 2024, and was not received by the undersigned in time for it to be considered prior to issuing the June 14, 2024, Order. However, OAH's electronic filing system, referred to as SFT, experienced technical difficulties during the week of June 17 through 24, 2024. It is unclear whether Stockton's delay in filing its response was due to technical difficulties with the SFT, or any other excusable circumstance.

In consideration of the circumstances discussed above, the undersigned orders the parties to appear for a videoconference hearing on June 28, 2024, at 10:00 AM. During that hearing, the undersigned will address the June 14, 2024, Order to Show Cause, including Student's responses and any response Stockton may make. The undersigned will also address Stockton's response to Student's June 13, 2024, motion to continue and may reconsider the portion of the June 14, 2024, Order which continued the due process hearing to July 2, and 3, 2024.

The undersigned further orders that, in addition to any others, such as Parent, who may attend on Student's behalf, attorneys Sheila Bayne, Ryan Song, and Addison Morris of the Law Offices of Sheila Bayne, who are attorneys of record for Student, as

well as any other staff who assisted in preparing Student's June 19, 2024, responses to the Order to Show Cause, shall personally appear at the June 28, 2024, hearing. While the undersigned makes no specific order as to who must appear on behalf of Stockton, those appearing shall be sufficiently knowledgeable about the facts and circumstances necessary to resolve the pending Order to Show Cause as well as possible reconsideration of the June 14, 2024, order continuing the due process hearing, in light of Stockton's response.

The parties shall be prepared to provide argument, authority, and evidence in support of their positions regarding the June 14, 2024, Order to Show Cause and Stockton's June 14, 2024, response to Student's motion to continue, and as may be ordered by the undersigned during the hearing.

IT IS SO ORDERED.

Ashok Pathi

Ashok Pathi

Administrative Law Judge

Office of Administrative Hearings