

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026060527

ORDER FOLLOWING PREHEARING CONFERENCE ISSUING
ORDER TO SHOW CAUSE AS TO WHY THE MATTER
SHOULD NOT BE DISMISSED FOR FAILURE TO PROSECUTE
AND CONTINUING THE PREHEARING CONFERENCE AND
DUE PROCESS HEARING

JULY 13, 2026

On July 13, 2026, Administrative Law Judge Jeanie Min, Office of Administrative Hearings held a prehearing conference by videoconference. The Administrative Law Judge will be referred to as an ALJ. The Office of Administrative Hearings will be referred to as OAH. The prehearing conference will be referred to as a PHC.

No one appeared on behalf of Student. Attorney Brian Davenport appeared on behalf of Los Angeles Unified School District. The PHC was recorded. Based upon the discussion with the party who appeared, the ALJ issues the following order.

ORDER TO SHOW CAUSE AS TO WHY THE MATTER SHOULD NOT BE DISMISSED FOR FAILURE TO PROSECUTE

On June 5, 2026, Student filed a request for due process hearing, called a complaint, with OAH, naming Los Angeles. On June 11, 2026, OAH issued a Scheduling Order setting the prehearing conference on July 13, 2026 and the hearing on July 21, 22, and 23, 2026.

On July 10, 2025, at 10:05 AM, videoconference invitations for the PHC were sent electronically to Student at the email address provided in Student's complaint and to Los Angeles at the email provided in its PHC Participant Information Form.

On July 13, 2026, the ALJ convened the PHC at 10:00 AM. No one appeared on behalf of Student. Attorney Brian Davenport appeared promptly on behalf of Los Angeles. At 10:15 AM, the ALJ started the PHC. Attorney Davenport verified that he had not received any communication from Parent that she would not be attending the PHC. Attorney Davenport stated that Los Angeles staff had attempted to schedule a mediation with Parent but had not heard from Parent. During the PHC, the ALJ issued an Order to Show Cause as to Why the Matter Should Not Be Dismissed for Failure to Prosecute.

OAH must conduct a due process hearing and render a decision within 45 days following a 30-day resolution period, after receipt of the due process notice, in the absence of an extension. (Ed. Code §§ 56502, subd. (f), and 56505, subd. (f)(3).) Given

the short time frames applicable to this case, it is critical that the parties follow orders issued by OAH and participate in advancing the matter to hearing.

Student is ordered to show cause in writing why the above-captioned case should not be dismissed for his failure to participate in, prosecute, or advance the case for hearing. Student is ordered to file a written response with OAH by not later than 5:00 PM on July 20, 2026. Student's response shall address why his representative did not file a PHC statement or appear for the PHC on July 13, 2026, and whether he intends to go forward to a hearing. Any factual assertions will be disregarded unless they are made by declaration under oath. If Student files a response, the issue will be discussed at a PHC on July 24, 2024. If Student fails to file a response, the matter will be dismissed.

CONTINUANCE OF PHC AND DUE PROCESS HEARING

Hearings may only be continued if "good cause" is established. (Ed. Code, § 56505, subd. (f)(3).) OAH is guided by the Administrative Procedure Act and the California Rules of Court when ruling on continuance motions. (Cal. Code Regs., tit. 1, § 1020; Cal. Rules of Court, rule 3.1332.) Generally, continuances are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

Because there was no appearance for Student at the PHC on July 13, 2026, and an Order to Show Cause as to Why the Matter Should Not Be Dismissed for Failure to Prosecute has been issued with a response due from Student by 5:00 PM on July 20, 2026, there is good cause to continue the PHC and hearing.

All previously scheduled dates are vacated. The case shall proceed as follows:

PREHEARING CONFERENCE will be held on July 24, 2026, at 10:00 AM.

All other prehearing matters shall be addressed at the July 24, 2026 PHC. All prehearing motions must be filed no later than three business days before the PHC. Late motions will only be considered if good cause is established for the late filing.

DUE PROCESS HEARING will be held on August 4, 5, and 6, 2026.

The hearing will be conducted via videoconference or telephone and shall begin at 9:30 AM and generally end at 3:30 PM on all days, unless otherwise ordered. The hearing shall continue day to day, as needed, at the discretion of the ALJ.

The parties shall immediately notify all potential witnesses of the hearing dates, and shall subpoena witnesses if necessary, to ensure that the witnesses will be available to testify. A witness will not be regarded as unavailable for purposes of showing "good cause" to continue the hearing if the witness is not properly notified of the hearing date or properly subpoenaed.

SETTLEMENT

The parties shall immediately inform OAH in writing if they reach a settlement or otherwise resolve the dispute before the scheduled hearing. If the parties reach a settlement within five days of the scheduled start of the due process hearing, the parties shall also inform OAH of the settlement by telephone at (916) 263-0880.

If a full and final written settlement agreement is reached after 5:00 PM the day before the hearing, the parties shall leave a voicemail message regarding the settlement at (916) 274-6035. The parties should also leave contact information such as cellular phone numbers of each party or counsel for each party. At the same time, the parties should send the signature page of the signed agreement or a letter withdrawing the case to OAH at <https://www.applications.dgs.ca.gov/oah/oahsftweb>.

Dates for hearing will not be cancelled until the letter of withdrawal or signature page of the signed agreement has been received by OAH. If an agreement in principle is reached, the parties should plan to attend the scheduled hearing unless different arrangements have been agreed upon by the assigned ALJ. The assigned ALJ will check for messages before the hearing.

If the matter settles subject to board approval, in addition to a signed copy of the signature page of the settlement agreement, the parties shall provide the date of the next board meeting. The hearing dates will not be cancelled without this information.

FAILURE TO COMPLY

Failure to comply with this order may result in the exclusion of evidence or other sanctions.

ORDER INCLUDES ALL RULINGS

This Order includes all rulings made at the prehearing conference. Any discussion and conversation not referenced in this Order is not binding on the ALJ conducting the hearing and may not be relied upon by the parties. The parties should be aware that, at hearing, the ALJ conducting the hearing has discretion to reconsider any part of this Order.

IT IS SO ORDERED.

A handwritten signature in cursive script that reads "Jeanie Min".

Jeanie Min

Administrative Law Judge

Office of Administrative Hearings