

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

ELK GROVE UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026051160

ORDER DISMISSING STUDENT'S COMPLAINT WITHOUT
PREJUDICE FOR FAILURE TO PROSECUTE

JULY 15, 2026

On May 27, 2026, Student filed a due process hearing request with the Office of Administrative Hearings, called OAH, naming Elk Grove Unified School District. On May 29, 2026, OAH set this matter for a prehearing conference, called PHC, on July 6, 2026, at 1:00 PM, and hearing beginning July 14, 2026. The parties were ordered to file PHC statements no later than July 1, 2026. On July 1, 2026, Elk Grove filed a motion to dismiss or in the alternative continue this matter because Parent failed to participate in a mandatory resolution session.

Student's counsel, Diana Renteria, failed to file a PHC statement. Ms. Renteria also failed to appear for the PHC. The undersigned administrative law judge, ALJ, delayed the PHC for 15 minutes, but Ms. Renteria still did not appear.

On July 6, 2026, the ALJ issued an order to show cause as to why Student's case should not be dismissed for Student's failure to appear and prosecute this matter. Student's counsel was ordered to show cause in writing no later than Friday, July 10, 2026, by 12:00 PM, as to why this matter should not be dismissed and explaining why she failed to appear at the July 6, 2026 PHC and failed to file a PHC statement. Student's counsel was ordered to address why OAH should not shift its costs for preparing for and appearing at the PHC to Student's counsel. The July 6, 2026 Order further advised that Student's counsel's failure to timely file a written response may result in a dismissal of this matter without any further appearances. The July 6, 2026 Order authorized Elk Grove to file a response to Student's statement by close of business July 14, 2026. The Order indicated that OAH would entertain a request from Elk Grove to shift its costs to Student's counsel for appearing at the July 6, 2026, PHC and the cost of preparing a response to the OSC, if it chooses to file a response. The ALJ continued the PHC to July 20, 2026, at 10:00 AM, and the due process hearing to July 28, through 30, 2026. OAH served Student's counsel and Elk Grove's counsel with the Order to Show Cause on July 7, 2026.

Student's counsel has failed to file a written response to the Order to Show Cause. On July 14, 2026, Elk Grove a motion to dismiss based on Student's failure to prosecute this matter.

If the parties 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).) Resolving the due process hearing quickly is legally required. Hearings may only be continued if "good cause" is established. (Ed. Code, § 56505, subd. (f)(3).)

Student's counsel's failure to timely prosecute this matter is contrary to the speedy mandate of the Individuals with Disabilities Education Act. Student's counsel has not diligently advanced this matter to hearing. Student's counsel has failed to file a PHC statement or appear at the PHC. Ms. Renteria also failed to file the required response to the Order to Show Cause. Dismissal without prejudice is warranted under these circumstances. OAH declines to shift its costs for preparing for and appearing at the PHC, to Student's counsel. However, Ms. Renteria is advised that should she once again fail to abide by OAH orders, OAH may take action to recoup its costs.

Student's complaint is dismissed without prejudice because of Student's counsel's failure to participate in this matter. All pending dates are vacated.

IT IS SO ORDERED.

Theresa Ravandi

Theresa Ravandi

Administrative Law Judge

Office of Administrative Hearings