BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

DOWNEY UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025010823

ORDER DISMISSING DUE PROCESS HEARING REQUEST FOR FAILURE TO APPEAR

MAY 6, 2025

On January 23, 2025, Student filed a request for due process hearing with the Office of Administrative Hearings, called OAH. Student's complaint contained expedited and non-expedited issues. An expedited hearing was convened on February 25, 2025. An expedited decision was issued on March 10, 2025.

The non-expedited due process hearing was set to commence on May 6, 2025. Parties received invites via the Zoom application on May 5, 2025, at 3:23 p.m.

On May 6, 2025, the undersigned opened the hearing at 9:30 a.m. Attorney for Downey Unified School District Alefia Mithaiwala and Jayro Roman, Downey program administrator for the Office of Student Services appeared. OAH staff called the number

for Parents in the case file at 9:39 a.m. on May 6, 2025. The hearing was held open until 10:00 a.m. No one appeared on Student's behalf.

APPLICABLE LAW

If the parent and local education agency 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).)

ORDER

1. Student's due process hearing request is dismissed for Parent's failure to appear.

2. All dates are vacated.

Tiffany Gilmartin

Tiffany Gilmartin
Administrative Law Judge
Office of Administrative Hearings