BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

SIERRA SANDS UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025080445

ORDER TO SHOW CAUSE AS TO WHY STUDENT'S COMPLAINT SHOULD NOT BE DISMISSED FOR FAILURE TO APPEAR, ORDERING RESOLUTION SESSION OR WAIVER, AND ORDER CONTINUING PREHEARING CONFERENCE AND DUE PROCESS HEARING

SEPTEMBER 9, 2025

On September 8, 2025 at 3:02 PM, Administrative Law Judge Daniel Senter, Office of Administrative Hearings, held a prehearing conference by videoconference. The Administrative Law Judge is called an ALJ. The Office of Administrative Hearings is called OAH. The prehearing conference is called a PHC.

Attorney Elizabeth Harland appeared on behalf of Sierra Sands Unified School District. No one appeared on behalf of Student.

The OAH Scheduling Order for this matter included the date and time for the PHC and was served on the parties on August 12, 2025. OAH sent PHC invitations with the PHC Zoom videoconference link to the parties on September 5, 2025.

Attorney Harland joined the PHC at 3:00 pm and sent an email to Parent shortly thereafter to inquire whether Parent would appear at the PHC. The PHC was delayed 16 minutes to give Parent, who filed the due process hearing request, an opportunity to appear on behalf of Student. The PHC proceeded at 3:18 pm with no appearance by Parent and no response to Attorney Harland's email to Parent by that time.

ORDER TO SHOW CAUSE AND CONTINUANCE

If the parent and local education agency have not resolved the due process complaint within 30 days of 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).)

On August 8, 2025, Parent on behalf of Student filed a request for a due process hearing, called a complaint, with OAH naming Sierra Sands. On August 26, 2025, Sierra Sands filed a Notice of Insufficiency as to the complaint, called an NOI. On September 2, 2025, OAH issued an Order determining the due process complaint sufficient.

Given the short time frame applicable to this case, it is critical that the parties follow orders issued by OAH and participate in advancing the matter to hearing or resolution. Because Student filed the complaint, Student has a duty to prosecute the

case, which includes Student's representative appearing at the PHC. Student's non-compliance with OAH's procedures and failure to participate in the September 8, 2025, PHC puts the timely resolution of this matter in doubt. Parent, as Student's representative, is responsible for understanding and following OAH's procedures, including making all required appearances. Failure to do so may result in the complaint being dismissed.

Student is ordered to show cause as to why this matter should not be dismissed for failure to participate, prosecute, or advance this matter. The matter will be continued to permit Parent an opportunity to provide the needed explanation.

MOTIONS

On September 3, 2025, Sierra Sands filed two motions to dismiss: (i) motion to dismiss due to Student's failure to participate in a resolution session; and (ii) motion to dismiss because OAH lacks jurisdiction and student's issues are barred by settlement agreement.

At the PHC, Sierra Sands asserted that it filed the motion to dismiss due to Student's failure to participate in a resolution session on September 3, 2025, prior to the end of the resolution session period, which was September 7, 2025, to meet OAH's deadline to file a motion. Sierra Sands further asserted that as of September 8, 2025, Parent had not participated in a resolution session.

Parent is on notice that a due process hearing cannot proceed unless the parties either participate in a resolution session or both waive participation. In the event Parent successfully responds to the Order to Show Cause and the matter proceeds, the parties will be required to inform the ALJ at the reconvened PHC whether the resolution session proceeded or was waived.

Sierra Sands' motion to dismiss for failure to participate in a resolution session is denied without prejudice. Nothing in this order prevents Sierra Sands from renewing its dismissal motion if appropriate.

The undersigned ALJ has taken Sierra Sands' pending motion to dismiss due to lack of OAH jurisdiction under submission and will rule on it after the Order to Show Cause is resolved.

ORDER

1. Student must file a written explanation no later than 4:00 PM on September, 11 2025, explaining the failure to appear at the PHC on September 8, 2025, and why Student's complaint should not be dismissed. If Student files an explanation, Sierra Sands may file a written response no later than 4:00 PM on September 15, 2025.
2. If Student does not file an explanation, the case will be dismissed and the matter closed.
3. If the case is not dismissed, OAH will require the parties at the PHC to inform the ALJ whether the resolution session proceeded or was waived.
4. A due process hearing will not proceed absent a resolution session or waiver by both parties.
5. Pending receipt of Student's explanation, the matter is continued as follows:
    a. The PHC is continued to September 22, 2025 at 10:00 AM.
    b. The due process hearing is continued to September 30, October 1 and 2, 2025.

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.

Daniel Senter

Daniel Senter
Administrative Law Judge
Office of Administrative Hearings