BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. SOLEDAD UNIFIED SCHOOL DISTRICT,	OAH Case No. 2016070938
SOLEDAD UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2016070115 ORDER TO SHOW CAUSE AND SETTING CONTINUED PREHEARING CONFERENCE

On June 30, 2016, Soledad Unified School District filed a request for due process hearing (complaint) naming Student. On July 15, 2016, Student filed her own complaint. The matters were consolidated following a telephonic prehearing conference on September 12, 2016, attended by Mother and two Soledad representatives.

On October 4, 2016, Soledad filed a motion to amend its complaint, and on October 17, 2016, Mother filed a notice of non-opposition to Soledad's motion to amend its complaint. OAH granted Soledad's motion to amend. A new scheduling order was issued on October 18, 2016, setting a prehearing conference for the consolidated cases of November 18, 2016, at 3:00 p.m. This scheduling order was not translated into Spanish, but it is a standard order, and OAH had previously issued translated scheduling orders in July 2016, following the receipt of the initial complaints of both parties.

The scheduling order called for the parties to file written prehearing conference statements at least three business days prior to the prehearing conference. Soledad filed its PHC statement on November 14, 2016. On November 17, 2016, a Spanish-speaking OAH clerk telephoned Mother and left a message that OAH had not received a PHC statement from her.

At 3:00 p.m., on November 18, 2016, Administrative Law Judge Rebecca Freie telephoned Mother. A Spanish interpreter, Luis Garibay, was also on the telephone. Someone other than Mother answered the telephone and said that she was unavailable. It was explained that this was the time for the PHC, and the ALJ would call back in 15 minutes

to convene the PHC. When the ALJ placed the second telephone call fifteen minutes later, there was no answer. The ALJ left a voicemail via the interpreter explaining that the PHC would proceed as to Soledad's case, and an order to show cause hearing would be set to determine whether Student's complaint should be dismissed due to Mother's failure to appear. The PHC was then conducted with Soledad's representative as to Soledad's case only.

Student's failure to file a PHC statement for the November 18, 2016 PHC, and her failure to appear on that date suggests that Student does not intend to proceed to hearing on her own complaint. Therefore, the ALJ issues the following Order:

1. The PHC pertaining to Student's case is continued to November 28, 2016, at 3:00 p.m.

2. Student is ordered to show cause at the PHC on November 28, 2016, at 3:00 p.m., as to why her complaint should not be dismissed for failure to participate, prosecute, or advance the matter. Should Student provide adequate justification on the order to show cause, the PHC concerning Student's case will proceed at that time.

DATE: November 18, 2016

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Rebecca Freie
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REBECCA FREIE
Administrative Law Judge
Office of Administrative Hearings