BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
PARENT ON BEHALF OF STUDENT,	OAH CASE NO. 2013050110
v.	ORDER DISCHARGING ORDER TO SHOW CAUSE AND DISMISSING CASE
UNION SCHOOL DISTRICT.	

On August 5, 2013, a telephonic Order to Show Cause (OSC) why sanctions should not be imposed and parties ordered to pay expenses was held before Administrative Law Judge (ALJ) Theresa Ravandi, Office of Administrative Hearings (OAH). Attorney Susan Foley appeared on behalf of Student. Attorney Eliza McArthur appeared on behalf of the Union School District (District). The ALJ issued the OSC due to the failure of counsel to file a prehearing conference (PHC) statement or timely request a continuance of the PHC, and the failure of Student's counsel to timely appear for the PHC on July 26, 2013. Counsel submitted written responses as ordered.

The ALJ has the ability, and the responsibility, to control due process proceedings under the Individuals with Disabilities Education Act (IDEA) similar to those in a civil or criminal action before other tribunals. OAH's policies regarding the filing of PHC statements and notification of settlements and requests for continuances, as well as the obligation of counsel to appear for all calendared matters is well known to counsel who have practiced before OAH for some time. These procedures are in place to ensure that cases are timely calendared, continuances are properly granted and OAH can ensure that cases will be processed under the time lines set out by the IDEA. The procedures are designed to protect the rights of both the child and the public education agency. When the procedures are not followed, the impact upon OAH and the parties' rights can be significant. This matter resulted in wasted time and resources and prevented the ALJ from being assigned to other matters.

Counsel accepted responsibility for their failure to comply with OAH procedures and have complied with the terms of the OSC. Sanctions are not warranted in this matter and the OSC is discharged.

Pursuant to Student's July 30, 2013 request for dismissal, this matter is dismissed and all dates are vacated.

IT IS SO ORDERED.

Dated: August 6, 2013

/s/

THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings