

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

DEL NORTE UNIFIED SCHOOL
DISTRICT,

v.

PARENTS on behalf of STUDENT.

OAH CASE NO. 2009070636

ORDER GRANTING CONTINUANCE,
AND SETTING HEARING DATES

On August 3, 2009, a telephonic Prehearing Conference (PHC) commenced before Administrative Law Judge (ALJ) Peter Paul Castillo, Office of Administrative Hearings, Special Education Division (OAH). Don Olson, Del Norte Unified School District's (District) Assistant Superintendent, appeared on behalf of the District. Attorney Robert Woelfel appeared on behalf of Student. The PHC was not recorded.

Based on discussion of the parties, the ALJ issues the following order:

1. Motion for Continuance: Education Code sections 56502, subdivision (f), and 56505, subdivision (f)(1)(C)(3), require that a hearing be conducted and a decision rendered within 45 days of receipt of the complaint unless an extension is granted. Speedy resolution of due process hearings is mandated by law and continuance of due process hearings may be granted only upon a showing of good cause. (Ed. Code, § 56505, subd. (f)(1)(C)(3).)

The District's and Student's motions to continue the hearing demonstrate good cause for a continuance in this matter should be continued to allow the parties to participate in mediation and to ensure the availability of the parties and witnesses. Therefore, the motion to continue is granted.

2. Mediation, Prehearing Conference, and Hearing Dates, Times, and Location. The hearing is continued and the previously scheduled hearing dates are vacated. The Mediation shall be held on August 10, 2009, at 9:30 a.m., and the Prehearing Conference shall be held telephonically on August 31, 2009, at 10:00 a.m. OAH shall initiate the telephone calls for the Prehearing Conference. The Due Process Hearing shall be held on September 8, 9, 10, 14 and 15, 2009. The hearing shall begin each day at 9:00 a.m. and end at 5:00 p.m. with the exception of September 8 and 14, 2009, on which days the hearing shall begin at 9:30 a.m., unless otherwise ordered, at 301 West Washington Blvd., Crescent City, California.

The parties shall immediately notify all potential witnesses of the hearing dates, and shall subpoena witnesses if necessary, to ensure that the witnesses will be available to testify. A witness will not be regarded as unavailable for purposes of showing “good cause” to continue the hearing if the witness is not properly notified of the hearing date or properly subpoenaed, as applicable.

3. Settlement. The parties are encouraged to continue their attempts to reach an agreement before the due process hearing. The parties shall inform OAH in writing immediately should they reach a settlement or otherwise resolve the dispute before the scheduled hearing. If a settlement is reached five days or fewer than five days before the due process hearing is scheduled to begin, the parties shall, in addition, immediately inform OAH of that fact by telephone at (916) 263-0880. IF A FULL AND FINAL SETTLEMENT IS REACHED AFTER 5:00 P.M. THE DAY PRIOR TO HEARING, THE PARTIES SHALL LEAVE A VOICEMAIL MESSAGE REGARDING THE SETTLEMENT AT (916) 274-6035, AND SHALL ALSO LEAVE CELLULAR PHONE NUMBERS OF EACH PARTY OR COUNSEL FOR EACH PARTY. The ALJ will check for messages the evening prior to the hearing and the morning of the hearing.

IT IS SO ORDERED.

Dated: August 4, 2009

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings