

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ANAHEIM CITY SCHOOL DISTRICT.

OAH CASE NO. 2011050874

ORDER GRANTING REQUEST FOR
EXTENSION OF TIME TO FILE
AMENDED COMPLAINT

On May 19, 2011, Parents on behalf of Student, through counsel, filed with the Office of Administrative Hearings (OAH) a request for due process hearing (complaint) naming Anaheim City School District. On June 10, 2011, OAH issued an order determining that some of the issues were insufficiently pled, and gave Student the right to file an amended complaint by June 24, 2011. On June 23, 2011, OAH granted the parties' joint request to extend the deadline for filing an amended complaint to July 1, 2011.

On June 29, 2011, the parties submitted another stipulation requesting that the deadline for filing an amended complaint be extended to July 10, 2011, to allow the parties additional time for settlement discussions. The parties assert that they have made substantial progress in mediation, but have not yet settled the matter.

The prehearing conference is scheduled for July 6, 2011, and the hearing is scheduled for July 14, 2011. The parties state that a hearing in this matter will take more than one day. They also acknowledge that if an amended complaint is filed, the time frame for hearing will be reset. The parties agreed that they will not exchange prehearing conference statements until dates are set for hearing. They further agreed they will jointly request dates for a prehearing conference and a hearing within 10 days of the filing an amended complaint. However, the parties did not request a continuance of either the currently scheduled prehearing conference or hearing.

The request to grant additional time to allow Student to file an amended complaint is granted.

Since the parties did not request a continuance, they appear to be requesting that this matter be taken off calendar to allow additional time for Student to file an amended complaint. OAH does not take matters off calendar. No continuance has yet been requested or granted in this matter. Under the circumstances presented, OAH would be inclined to

grant a continuance. However, the parties need to meet and confer regarding new prehearing conference and hearing dates and submit a request for a continuance. Forms are available on the OAH website that explain the procedure.

ORDER

1. Student shall have until the close of business on July 14, 2011, to file an amended complaint pursuant to the terms of the Order of Determination of Sufficiency of Due Process Complaint, dated June 10, 2011.

2. The prehearing conference and hearing shall proceed as scheduled.

Dated: June 30, 2011

/s/

JUDITH A. KOPEC
Division Presiding Administrative Law Judge
Office of Administrative Hearings