

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

CUPERTINO UNION SCHOOL
DISTRICT,

v.

PARENTS ON BEHALF STUDENT.

OAH Case No. 2016030147

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
PREHEARING CONFERENCE AND
HEARING DATES

On June 10, 2016, the parties filed a joint request to continue the 3:00 p.m. prehearing conference for “at least one week” because they were process of finalizing a settlement agreement. This matter is currently set to begin hearing on June 21, 2016 and granting the parties’ request to continue the PHC for at least one week would not allow sufficient time between the PHC and the hearing. As such, the parties request to continue the PHC is being interpreted as a request to continue hearing as well as the PHC.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) Speedy resolution of the due process hearing is mandated by law and continuance of the hearing may be granted only upon a showing of good cause. (Ed. Code, § 56505, subd. (f)(3).) In ruling upon a motion for continuance, OAH is guided by the provisions found within the Administrative Procedure Act and the California Rules of Court that concern motions to continue. (Cal. Code Regs., tit. 1, § 1020; Cal. Rules of Court, rule 3.1332 .) Generally, continuances of matters are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

The parties established good cause to continue the PHC and the due process hearing. Therefore, both the due process hearing and the PHC are continued. This matter will be set as follows:

Telephonic PHC:

Date: June 17, 2016

Time: 3:00 p.m.

Due Process Hearing:

Date: June 23, 2016, and continuing day to day, Monday through Thursday, as needed at the discretion of the ALJ.

Time: 9:30 a.m.

The parties shall inform OAH in writing immediately should they reach a settlement or otherwise resolve the dispute before the scheduled hearing. In addition, if a settlement is reached within five days of the scheduled start of the due process hearing, the parties shall also inform OAH of the settlement by telephone at (916) 263-0880.

Dates for PHC and hearing will not be cancelled until the letter of withdrawal or signature page of the signed agreement has been received by OAH. If an agreement in principle is reached, the parties should plan to attend the scheduled PHC and hearing unless different arrangements have been agreed upon by the assigned ALJ.

IT IS SO ORDERED.

DATE: June 10, 2016

DocuSigned by:
B. Andrea Miles
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B. ANDREA MILES
Administrative Law Judge
Office of Administrative Hearings