

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

IRVINE UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2009110429

ORDER EXTENDING DECISION
TIMELINE

On November 12, 2009, Parents on behalf of Student, through counsel, filed with the Office of Administrative Hearings (OAH) a Request for Due Process Hearing that named the Irvine Unified School District (District) and the Orange County Health Care Agency (OCHCA). At a later date, Student dismissed the District based upon a settlement agreement.

On December 21, 2009, OAH issued an order that continued the initially scheduled hearing date in the matter. The order of continuance operated to toll the 45 day decision timeline in the case. (34 C.F.R. § 300.515(a)(1)(2006); Ed. Code, § 56505, subd. (f)(3).)

On March 29 and 30 and April 1 and 29, 2010, Administrative Law Judge (ALJ) Judith Pasewark presided at the due process hearing held in this matter. At the end of the hearing, the parties agreed to and did submit closing briefs on June 7, 2010. The decision timeline in the case recommenced upon the filing of such closing briefs. (34 C.F.R. § 300.515(c) (2006); Ed. Code, § 56505, subd. (f)(3).)

Under the procedural safeguard that establishes decision timelines in special education administrative due process proceedings, the decision in this case was due for issuance on or before July 9, 2010. However, ALJ Pasewark is unavailable to meet this deadline due to personal reasons. The attorneys representing Student and OCHCA were contacted by phone, and both have agreed to extend the decision timeline for an additional 30 days. Under this agreement, the decision in this matter is now due for issuance on or before August 9, 2010.

IT IS SO ORDERED.

Dated: July 06, 2010

/s/

TIMOTHY L. NEWLOVE
Presiding Administrative Law Judge
Office of Administrative Hearings

