

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

ALTA LOMA SCHOOL DISTRICT AND
WEST END SPECIAL EDUCATION
LOCAL PLAN AREA (SELPA)

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NO. 2011040395

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

On May 2, 2011, Administrative Law Judge Adeniyi A. Ayoade (ALJ), Office of Administrative Hearings (OAH), initiated a call to the parties to convene a telephonic prehearing conference (PHC). Geneva L. Englebrecht, Attorney at Law, appeared for the Alta Loma School District (District) and the West End SELPA. Carolina Waltz, an Educational Advocate, appeared on behalf of Jane DuBovy, Attorney at law, for Student. The PHC was not held, but the telephone call was recorded.

Based upon the discussion with the parties, the ALJ issues the following order:

1. Motion to Consolidate: Pursuant to a joint stipulation by the parties, both parties requested that this matter be consolidated with a companion case filed by Student. The ALJ advised parties that the other case was yet to be opened by OAH, and therefore, the request to consolidate could not be entertained at the PHC.¹

2. Motion to Continue: Both parties requested a continuance of the PHC and the hearing dates in order to participate in mediation.

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).) Considering all facts, including the fact that this case was recently filed, the fact that parties have not yet had the chance to participate in mediation, and the fact that a companion case is being opened with the possibility of

¹ According to staff, OAH received Student's request for Due Process Hearing on April 29, 2011, and the complaint is currently with the assigned calendar clerk waiting to be opened. Once opened, OAH will consider parties' request for consolidating for a ruling.

consolidation, good cause for continuance of the hearing is established. Therefore, the request to continue the PHC and the due process hearing date is:

Granted. The matter is set as follows:

Mediation: June 23, 2011, at 9:30 a.m.
Prehearing Conference: August 15, 2011, at 1:30 p.m.
Due Process Hearing: August 23 – 25, 2011, at 9:30 a.m.²

3. Settlement: Dates for hearing will not be cancelled until a letter of withdrawal, or a request for dismissal and the 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 hearing unless different arrangements have been agreed upon by the assigned ALJ.

IT IS SO ORDERED.

Dated: May 2, 2011

/s/

ADENIYI AYOADE
Administrative Law Judge
Office of Administrative Hearings

² The parties originally requested the due process hearing be held on August 23 through 26, 2011. At this time OAH will not set August 26, 2011, a Friday, as a hearing date. At the prehearing conference of August 15, 2011, the parties may request that the presiding ALJ add August 26, 2011, as day of hearing.