

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

WEST CONTRA COSTA UNIFIED
SCHOOL DISTRICT.

OAH CASE NO. 2011050378

ORDER GRANTING MOTION TO
CONTINUE PREHEARING
CONFERENCE AND CONTINUING
HEARING

This matter is set for hearing on July 5, 2011. On June 23, 2011, Student filed a joint request to continue the prehearing conference (PHC) in this matter that is set for June 29, 2011, on the ground that a telephonic mediation is scheduled on June 30, 2011. The parties request to defer hearing preparation to complete the mediation process.

1. Continuance: 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).) Here, the parties did not request a continuance of the hearing. However, given the shortness of time, the hearing must be continued for a few days in order to accommodate continuing the PHC. The parties established good cause to briefly continue the PHC and the hearing in order to support their settlement negotiations, and the request is:

Granted. All hearing dates are vacated and the following dates are set:

Prehearing Conference: Wednesday, July 6, 2011, at 10:00 a.m.

Hearing Thursday, July 7, 2011, at 9:30 a.m.

2. Other Matters: All other matters relevant to preparing for hearing, including clarification of issues and identification of witnesses and exhibits, will be addressed at the PHC on July 6, 2011.

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

IT IS SO ORDERED.

Dated: June 23, 2011

/s/

DEIDRE L. JOHNSON
Administrative Law Judge
Office of Administrative Hearings