

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

STUDENT,

v.

TAMALPAIS UNION HIGH SCHOOL  
DISTRICT.

OAH Case No. 2014041122

ORDER FOLLOWING PREHEARING  
CONFERENCE AND GRANTING  
CONTINUANCE OF PREHEARING  
CONFERENCE

On June 23, 2014, a telephonic prehearing conference was held before Administrative Law Judge Joy Redmon, Office of Administrative Hearings. Laurene Bresnick, Attorney at Law, appeared on behalf of Student. Lenore Silverman, Attorney at Law, appeared on behalf of Tamalpais Union High School District. The PHC was recorded.

This matter is currently scheduled for hearing beginning on July 2, 2014. At the beginning of the PCH, the parties requested a brief continuance to obtain signatures on a final settlement agreement that has been reached.

APPLICABLE LAW

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).)

DISCUSSION

The parties have established good cause for a brief continuance of the PHC; however, the previously scheduled hearing date will remain on calendar.

ORDER

1. The parties are ordered to submit either a final written notice of settlement or PCH statements to OAH by noon on Friday, June 27, 2014.
2. The PHC is continued to Monday, June 30, 2014, at 10:00 a.m. unless OAH receives final written notice of settlement prior to that time.
3. All other dates are to remain on calendar.

IT IS SO ORDERED.

DATE: June 23, 2014

/s/

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JOY REDMON  
Administrative Law Judge  
Office of Administrative Hearings