

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

OAKLAND SCHOOL FOR THE ARTS,

v.

PARENTS ON BEHALF OF STUDENT.

OAH Case No. 2015030095

ORDER FOLLOWING PREHEARING  
CONFERENCE AND GRANTING  
MOTION TO CONTINUE

On March 20, 2015, a telephonic prehearing conference was held before Administrative Law Judge B. Andrea Miles, Office of Administrative Hearings. Attorney Sarah Kalas Bancroft represented Oakland School for the Arts. Attorney LaJoyce Porter represented Student. The PHC was recorded.

Based on discussion with the parties the following order is issued:

1. Motion for Continuance of Due Process Hearing: This matter is currently set for hearing beginning on March 26, 2015. At the beginning of the PHC, Student requested to continue the due process hearing. Oakland opposed Student's request for continuance. Student's counsel represented that she had retained by Student's mother to represent Student in this matter on March 12, 2015, and needed additional time to prepare for the hearing. Additionally, Student's counsel indicated that her intention was to file a complaint on behalf of Student and move to consolidate that case with the case at hand, but she had not yet had the opportunity to do so. Furthermore, Student's expert witness, Carina Grandison, was only available to testify on March 30, 2015, a day on which the undersigned had ruled that hearing would not be in session, due to a scheduling conflict. No prior continuances had been granted in this matter.

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).)

Student has established good cause to continue 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: April 10, 2015

Time: 10:00 AM

Due Process Hearing:

Date: April 21 - 23, 2015, continuing day to day, Monday through Thursday, as needed at the discretion of the ALJ.

Time: 9:30 AM on April 21, 2015 and 9:00 AM on each subsequent day of hearing.

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 April 10, 2015.

3. Settlement: If the matter settles before hearing, 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: March 20, 2015

/s/

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B. ANDREA MILES  
Administrative Law Judge  
Office of Administrative Hearings