

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ELK GROVE UNIFIED SCHOOL DISTRICT

OAH CASE NO. 2009060162

**ORDER EXTENDING TIME TO FILE
AMENDED REQUEST FOR DUE
PROCESS, CONTINUING HEARING,
AND SETTING TRIAL SETTING
CONFERENCE**

A telephonic prehearing conference (PHC) in this matter began before Administrative Law Judge Deidre L. Johnson (ALJ), Office of Administrative Hearings (OAH), on August 17, 2009. Attorney Cathy Holmes appeared on behalf of the District. Attorney Caroline A. Zuk appeared on behalf of the District. The ALJ telephoned Parent at her telephone number of record twice and left messages. Parent telephoned OAH but did not answer the telephone when the ALJ called back.

On August 12, 2009, Parent sent a letter to OAH asking to extend the time to file Student's amended request for due process hearing (complaint) as permitted by OAH Orders issued on July 20, and August 5, 2009. Student requested mediator assistance with the amended complaint, but had not had any contact with the assigned mediator. In addition, Student requests a continuance of the hearing set for August 25, 2009. Student established good cause for an extension and a continuance, and the District does not object to the requests. Therefore, the motion to continue is granted.

Student's request to extend the time to file an amended complaint is granted. OAH shall immediately assign a mediator to assist Parent in preparing an amended complaint.

ORDER

1. The motion to continue is granted. All dates currently set are vacated.
2. Student shall file an amended complaint no later than 5:00 p.m. on August 28, 2009. All timelines will start over upon the filing of the amended complaint.

3. In the event that an amended complaint is not timely filed by August 28, 2009, this matter will proceed on remaining issues only,¹ and a trial setting conference will be held by telephone at 10:00 a.m. on September 9, 2009, by OAH. Both parties shall be available by telephone and OAH will initiate the telephone call.

IT IS SO ORDERED.

Dated: August 17, 2009

/s/
DEIDRE L. JOHNSON
Administrative Law Judge
Office of Administrative Hearings

¹ As set forth in the OAH Order of July 20, 2009, Student's remaining issues 2 and 3 are sufficient to proceed to hearing without amendment.