

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

CERES UNIFIED SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2014020029

ORDER FOLLOWING PREHEARING
CONFERENCE, GRANTING
CONTINUANCE AND SETTING
MEDIATION, PREHEARING
CONFERENCE AND HEARING
DATES

On April 4, 2014, a telephonic prehearing conference (PHC) was held before Administrative Law Judge (ALJ) Theresa Ravandi, Office of Administrative Hearings (OAH). Sally J. Dutcher, Attorney at Law, appeared on behalf of Ceres Unified School District (Ceres). Parent appeared on behalf of Student. The PHC was recorded.

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

1. Motion to Continue. This matter was scheduled for hearing beginning on April 9, 2014. On April 4, 2014, Student filed a written request for a continuance on the grounds that she desires to be represented by an attorney and requires additional time to try to secure legal representation in this matter. During the PHC, Student additionally indicated that she would like the opportunity to participate in mediation prior to hearing. Ceres opposed Student's request for a continuance as Student has been seeking counsel for some time, this matter has already been continued one time, and a further continuance would create a hardship for Ceres.

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 for a continuance and the motion is granted. All dates are vacated and the matter will be set on the following dates:

Mediation:	May 21, 2014, at 9:30 a.m.
Prehearing Conference:	May 30, 2014, at 10 a.m.
Due Process Hearing:	June 10, 2014, at 9:30 a.m., and June 11, 2014, at 9:00 a.m., and continuing day to day, Monday through Thursday, as needed, at the discretion of the ALJ.

The hearing shall take place at Cere's District offices located at 2503 Lawrence Street, Ceres, California 95307.

2. Notice to Witnesses. The parties shall immediately notify all potential witnesses of the hearing dates, and shall subpoena witnesses if necessary, to ensure that the witnesses will be available to testify. A witness will not be regarded as unavailable for purposes of showing good cause to continue the hearing if the witness is not properly notified of the hearing date or properly subpoenaed, as applicable.

3. 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 May 30, 2014. Ceres has filed its PHC statement and need not file another unless wishes to amend its prior statement. Student is advised that she must comply with the OAH Scheduling Order dated February 3, 2014, and file a PHC statement at least three business days prior to the continued PHC date and serve this statement on counsel for Ceres.

4. Settlement. The parties are encouraged to continue working together to reach an agreement before the due process hearing. The parties shall inform OAH in writing immediately should they reach a settlement or otherwise resolve the dispute before the scheduled hearing. Dates for the PHC and hearing will not be cancelled unless a letter of withdrawal or a request for dismissal with the signature page of a signed agreement has been received by OAH.

IT IS SO ORDERED.

DATE: April 4, 2014

/s/

THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings