

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH CASE NO. 2014030127

v.

SANTA ROSA CITY SCHOOLS,

SANTA ROSA CITY SCHOOLS,

OAH CASE NO. 2014040994

v.

PARENT ON BEHALF OF STUDENT.

NOTICE OF NO ACTION REGARDING
DISTRICT'S REQUEST TO MAINTAIN
DATES

On April 9, 2014, the parties participated in mediation, wherein they requested, and were granted, a continuance to dates they mutually proposed. The matter was continued for a prehearing conference (PHC) on August 25, 2014, and a due process hearing on September 9 through 11, 2014. Subsequently, Student moved to amend her complaint. On May 12, 2014, the Office of Administrative Hearings granted Student's request to amend. OAH set the matter for mediation on June 16, 2014, a PHC on June 30, 2014, and a due process hearing to commence on July 8, 2014. On May 19, 2014, the Santa Rosa City Schools (District) filed a letter requesting OAH maintain the dates that the parties had agreed upon at the April 9, 2014 mediation.

Pursuant to title 20 of the United States Code, section 1415(c)((2)(E)(ii), the 45-day time line for conducting a hearing and issuing a written decision is reset when a party files an amended complaint. There is no exception and here, OAH has accordingly reset the time lines. The dates District requests, while they may have been previously agreed upon, constitute a continuance.

District is represented by a law firm that has experience in special education litigation and has practiced before OAH for some time. Counsel is familiar with how to request a continuance. If District desires dates in August and September 2014, as previously set prior to the resetting of the time line, its counsel should contact Student and file a joint request for continuance or, if Student disagrees, file a request for continuance. Absent such a request, OAH intends to take no action on District's letter of May 19, 2014 asking OAH to maintain previously set dates.

IT IS SO ORDERED.

DATE: May 23, 2014

/s/

BOB N. VARMA
Presiding Administrative Law Judge
Office of Administrative Hearings