

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

RINCON VALLEY UNION SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2014110788

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

On March 13, 2015, a telephonic prehearing conference was held before Administrative Law Judge Theresa Ravandi, Office of Administrative Hearings. Monica D. Batanero, Attorney at Law, appeared on behalf of Rincon Valley Union School District (Rincon). 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 Hearing Dates. This hearing was scheduled to begin on March 24, 2015. At the start of the PHC, the parties represented that an agreement in principal had been reached which would resolve this matter. Parent represented that she signed a written settlement agreement and mailed it to Rincon yesterday. Rincon requested that the PHC and hearing dates be continued to allow time for Rincon to receive the signed settlement agreement and file a notice of withdrawal. Parent was in agreement with a continuance of all dates. This is the second request for continuance.

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).)

Rincon has established good cause for a continuance. This matter is continued to the dates requested by the parties as follows:

Prehearing Conference: April 10, 2015, at 10:00 a.m.

Due Process Hearing: April 21, 2015, at 9:30 a.m. and April 22, 2015, at 9:00 a.m., and continuing day to day, Monday through Thursday, as needed at the discretion of the ALJ.

2. Other Matters. All other matters relevant to preparing for hearing, including clarification of the issues and identification of witnesses and exhibits, will be addressed at the PHC on April 10, 2015. The parties shall ensure that a PHC statement is filed at least three business days prior to the PHC.

3. 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 PHC and hearing dates. Dates for the PHC and hearing will not be cancelled unless OAH receives a notice of withdrawal or request for dismissal of this matter from Rincon with the signature page of the signed agreement, or unless otherwise ordered.

IT IS SO ORDERED.

DATE: March 13, 2015

/s/

THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings