

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

BONITA UNIFIED SCHOOL DISTRICT.

OAH Case No. 2015010587

ORDER FOLLOWING PREHEARING
CONFERENCE, GRANTING JOINT
REQUEST FOR CONTINUANCE, AND
SETTING PREHEARING
CONFERENCE AND DUE PROCESS
HEARING

On March 2, 2015, Administrative Law Judge Adrienne L. Krikorian, Office of Administrative Hearings, held a telephonic prehearing conference. Attorney Carolyn Olsen appeared on Student's behalf. Attorney Karen Gilyard appeared on behalf of Bonita Unified School District. The PHC was recorded. Based on discussion of the parties, the ALJ issues the following order:

1. Joint Request for Continuance. The parties jointly requested that OAH grant a first continuance of the prehearing conference and due process hearing because they were actively engaged in settlement negotiations. The initial hearing date is March 11, 2015.

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 for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

The parties have demonstrated good cause for a continuance and their request is granted. The current dates are vacated. The prehearing conference shall take place on

May 15, 2015, at 1:00 p.m. The due process hearing shall take place on May 26, 2015, at 1:30 p.m., May 27 and 28, 2015 at 9:00 a.m., unless otherwise ordered, and continuing day to day Monday through Thursday at the discretion of the hearing ALJ.

2. 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 pre-hearing conference and hearing will not be cancelled until a letter of withdrawal or 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.

If the matter settles subject to board approval, in addition to a signed copy of the signature page of the settlement agreement as noted above, the parties shall submit a request for a status conference and provide the date of the next board meeting. The hearing dates will not be cancelled without this information.

IT IS SO ORDERED.

DATE: March 2, 2015

/s/

ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings