BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. RINCON VALLEY UNION ELEMENTARY SCHOOL DISTRICT.	OAH Case No. 2018050651 ORDER GRANTING REQUEST TO ADVANCE DATES FOR HEARING

On May 15, 2018, Student filed a request for due process hearing (complaint.) Rincon Valley Union Elementary School District responded to the complaint on May 24, 2018.

A scheduling order was issued setting a telephonic prehearing conference for July 2, 2018 with a hearing to commence on July 10, 2018. On May 25, 2018, the parties filed a written agreement jointly waiving the resolution period and requesting that the hearing dates be advanced. The parties requested that the hearing date be advanced to June 19, 2018 on the grounds that counsel for Rincon Valley was not employed by the District between the dates of July 6, 2018 and August 5, 2018 and, further, that several District employees, were unavailable in July due to pre-planned vacations. The June 19, 2018 date accommodated pre-planned vacations and doctor appointments of Student's family.

The parties anticipate a two day hearing.

APPLICABLE LAW

A resolution session convened by the local education agency is required within 15 days of receipt of notice of a Student's request for due process hearing unless the parties mutually agree, in writing, to waive the session. (20 U.S.C. § 1415(f)(1)(B)(i)(I); 34 C.F.R. § 300.510(a)(1) and (3).) Waiver of the resolution session starts the 45 day timeline for a decision as to a request for due process. (34 C.F.R. 300.510 (c)(1).) 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.)

The parties have provided a written waiver of the resolution session and have stated good cause for advancing the date of the hearing. The parties have considered the need for

speedy resolution of a Student's education program in their request to advance, as opposed to continue, the hearing in this matter.

ORDER

Good cause having been established, the previously scheduled dates are hereby VACATED and the hearing and prehearing conference dates shall be advanced.

A Prehearing Conference shall be held on June 8, 2018 at 10:00 a.m..

The hearing shall be scheduled to commence on June 19, 2018 at 9:30 a.m. with a full hearing schedule to be determined at the time of the Prehearing Conference.

IT IS SO ORDERED.

DATE: June 5, 2018

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Penelope S. Pahl
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PENELOPE S. PAHL
Administrative Law Judge
Office of Administrative Hearings