BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. BUTTE COUNTY OFFICE OF EDUCATION, FOUR WINDS CHARTER SCHOOL, YUBA CITY UNIFIED SCHOOL DISTRICT, FEATHER FALLS UNION ELEMENTARY SCHOOL DISTRICT, AND IPAKANNI EARLY COLLEGE CHARTER SCHOOL.	OAH Case No. 2016040611 ORDER FOLLOWING EXPEDITED PREHEARING CONFERENCE AND DISMISSING EXPEDITED ISSUE WITHOUT PREJUDICE; VACATING EXPEDITED HEARING DATE; AND DENYING MOTION TO UNEXPEDITE AS MOOT

On May 20, 2016, a telephonic prehearing conference was held before Administrative Law Judge Theresa Ravandi, Office of Administrative Hearings. Ethan Retan, Attorney at Law, appeared on behalf of Yuba City Unified School District. Heather Edwards, Attorney at Law, appeared on behalf of Butte County Office of Education, Four Winds Charter School, Feather Falls Union Elementary School District, and Ipakanni Early College Charter School. There was no appearance by Student despite two attempts to reach Student's counsel. The PHC was recorded.

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

1. Dismissal of Expedited Issue and Expedited Hearing. Student's amended complaint identified an expedited claim in issue VIII from February 19, 2016, to the present as to Ipakanni, Feather Falls and Butte County. Student did not request an expedited hearing, but OAH determined that the nature of Student's claim required the setting of an expedited hearing. An expedited due process hearing before OAH must occur within 20 school days of the date the complaint requesting the hearing is filed. (20 U.S.C. § 1415(k)(4)(B); 34 C.F.R. § 300.532(c)(2) .) The procedural right to an expedited due process hearing is mandatory and does not authorize OAH to make exceptions or grant continuances of expedited matters. (*Ibid.*) In sum, a matter can only be unexpedited or continued if no issue is alleged that is subject to an expedited hearing, or if the student withdraws the issues in the complaint that triggered the expedited hearing.

The expedited matter is pending hearing on May 24, 2016. Student was provided notice of the expedited prehearing conference and hearing dates on May 18, 2016 in OAH's

Order Granting Motion to Amend Complaint and in the Amended Dual Scheduling Order. The ALJ attempted twice to reach Student's counsel for the telephonic prehearing conference at the scheduled time of 3:00 p.m. and again at 3:18 p.m. Both calls went to a voicemail box and the ALJ left a message for Student's counsel to call or the PHC would proceed in her absence.

Student's expedited issue is dismissed without prejudice given the failure of Student's counsel to appear and participate in the expedited PHC in preparation for the expedited hearing on May 24, 2016. All of Student's issues regarding a denial of a free appropriate public education remain and will be discussed at the non-expedited PHC.

2. Pending Motions. There are numerous pending motions, specifically an Objection to Order Granting Motion to Amend Complaint filed May 20, 2016; a Motion for Sanctions filed May 20, 2016; and a Motion to Continue the Non-Expedited Hearing filed May 20, 2016. The ALJ informed counsel during the PHC that Student would be afforded three business days from the date of filing of each motion to respond and then a written Order would issue as to each motion.

IT IS SO ORDERED.

DATE: May 20, 2016

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Theresa Ravandi
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THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings