BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
STUDENT,	OAH Case No. 2015090002
v.	ORDER FOLLOWING PREHEARING CONFERENCE; GRANTING REQUEST FOR CONTINUANCE; AND SETTING PREHEARING CONFERENCE AND HEARING DATES
WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT.	

On December 7, 2015, a telephonic prehearing conference was held before Administrative Law Judge Theresa Ravandi, Office of Administrative Hearings. LaJoyce L. Porter, Attorney at Law, appeared on behalf of Student and Parents. Shawn Olson Brown, Attorney at Law, appeared on behalf of West Contra Costa Unified School District. The PHC was recorded.

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

1. Joint Request for Continuance. This matter was set to begin hearing on December 17, 2015. On December 3, 2015, OAH denied the parties' joint request for a continuance as the dates the parties requested for hearing were not available due to scheduled ALJ training. The parties were invited to resubmit their request after selecting alternate hearing dates. On December 7, 2015, the parties filed a new request for continuance due to the unavailability of Student's counsel. 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).)

The parties established good cause for a further continuance in this matter. All dates were vacated and the matter was continued to the following dates:

Prehearing Conference:	January 8, 2016, at 1:00 p.m.
Due Process Hearing:	January 26, 2016, at 9:30 a.m., and January 27, 2016, at 9:00 a.m., and continuing day to day, Monday through Thursday, as needed at the discretion of the ALJ.

The hearing shall take place at West Contra Costa's District Office located at 2465 Dolan Way, San Pablo, California, 94806. West Contra Costa has certified that the hearing facility fully complies with the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.), the Rehabilitation Act of 1973 (29 U.S.C. § 794 et seq.), the Unruh Civil Rights Act (Civ. Code, § 51 et seq.), and all laws governing accessibility of government facilities to persons with disabilities.

2. Notice to Witnesses. The parties shall immediately notify all potential witnesses of the hearing dates, and shall subpoena witnesses if necessary, to ensure that the witnesses will be available to testify. A witness will not be regarded as unavailable for purposes of showing good cause to continue the hearing if the witness is not properly notified of the hearing date or properly subpoenaed, as applicable.

3. 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 January 8, 2016.

4. 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 PHC and hearing will not be cancelled unless OAH receives a letter of withdrawal or request for dismissal from Student, or unless otherwise ordered.

IT IS SO ORDERED.

DATE: December 7, 2015

/s/
THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings