BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
DUBLIN UNIFIED SCHOOL DISTRICT,	OAH Case No. 2016080413
v.	ORDER FOLLOWING PREHEARING CONFERENCE AND GRANTING REQUEST TO CONTINUE PHC ONLY
PARENT ON BEHALF OF STUDENT.	

On October 14, 2016, a telephonic prehearing conference was held before Administrative Law Judge B. Andrea Miles, Office of Administrative Hearings. Melanie D. Larzul, Attorney at Law, appeared on behalf of Dublin Unified School District. Mother and Father, appeared on behalf of Student. The PHC was recorded.

Based on discussion with the parties at the PHC, the following order is issued:

1. Motion for Continuance of Due Process Hearing: Twenty-six minutes before the start of the PHC, OAH received written notice that Student's counsel was withdrawing as counsel and that Mother would be representing Student. During the PHC, Mother indicated that she would like to have time to discuss with Father whether they should request a continuance so they can hire another attorney. Additionally, during the ALJ's discussion of the issue for hearing, Dublin's counsel indicated that she needed to be able to confer with her client prior to any rulings regarding the issue. Due to the above referenced reasons, the parties jointly requested to continue the PHC.

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 to continue the prehearing conference only. Therefore, the PHC is continued to October 17, 2016, at 1:00 p.m. The due process hearing date will remain as set.

2. Other Matters: All other matters relevant to preparing for hearing, including Dublin's Motion to Dismiss, clarification of issues, and identification of witnesses and exhibits, will be addressed at the PHC on October 17, 2016.

3. Settlement: Dates for the PHC and hearing will not be cancelled until a letter of withdrawal, or a request for dismissal and the signature page of the signed agreement has been received by OAH. In the event that board approval is need for the settlement agreement to become final, the signature page of the signed agreement and a request to vacate dates and set a settlement conference must be received by OAH for the hearing dates to be cancelled.

If only an agreement in principle is reached, the parties should plan to attend the PHC and scheduled hearing unless different arrangements have been agreed to by the assigned ALJ.

IT IS SO ORDERED.

Dated: October 14, 2016

DocuSigned by:
B. Andrea Miles
D9ECFFB6F6C9482...

B. ANDREA MILES
Administrative Law Judge
Office of Administrative Hearings