BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. SOLEDAD UNIFIED SCHOOL DISTRICT.	OAH Case No. 2016070938 ORDER FOLLOWING PREHEARING CONFERENCE, GRANTING MOTION TO CONTINUE, AND SETTING MEDIATION, PREHEARING CONFERENCE, AND DUE PROCESS HEARING DATES

On August 29, 2016, a telephonic prehearing conference was held before Administrative Law Judge B. Andrea Miles, Office of Administrative Hearings. Parent, appeared on behalf of Student and was assisted by a Spanish interpreter. Lori Morones, Program Coordinator, appeared on behalf of Soledad Unified School District. The PHC was recorded.

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

1. Motion for Continuance of PHC and Due Process Hearing: This matter is currently set for hearing on September 7, 2016. At the beginning of the PHC, the parties jointly requested to continue the PHC and due process hearing so that the parties could have the opportunity to participate in mediation. This is the first request for continuance in this matter.

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 PHC and the due process hearing. Therefore, both the due process hearing and the PHC are continued. Additionally, the parties' request to set a mediation date is granted. This matter will be set as follows:

Mediation:

Date: September 20, 2016

Time: 9:30 a.m.

Place: Soledad Unified School District Office
1261 Metz Road
Soledad, California

Telephonic Prehearing Conference:

Date: October 3, 2016

Time: 10:00 a.m.

Due Process Hearing:

Date: October 18, 2016 and October 19, 2016, and continuing day to day, Monday through Thursday, as needed at the discretion of the ALJ.

Time: 9:30 a.m. on October 18, 2016 and 9:00 a.m. on October 19, 2016

Place: Soledad Unified School District Office
1261 Metz Road
Soledad, California

2. Other Matters. All other matters relevant to preparing for hearing, including clarification of issues and identification of witnesses and exhibits, will be addressed at the PHC on October 3, 2016.

3. 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 PHC and hearing. In addition, if a settlement is reached within five days of the scheduled start of the due process hearing, the parties shall also inform OAH of the settlement by telephone at (916) 263-0880.

Dates for PHC 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.

IT IS SO ORDERED.

DATE: August 29, 2016

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B. Andrea Miles
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B. ANDREA MILES
Administrative Law Judge
Office of Administrative Hearings