BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

SAN JUAN UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2023030673

ORDER FOLLOWING PREHEARING CONFERENCE FOR HEARING BY VIDEOCONFERENCE GRANTING REQUEST FOR CONTINUANCE

MAY 1, 2023

On May 1, 2023, Administrative Law Judge Theresa Ravandi, Office of Administrative Hearings, held a prehearing conference by videoconference. The Administrative Law Judge is called an ALJ. The Office of Administrative Hearings is called OAH. The prehearing conference is called a PHC.

Attorneys Valerie Weiss and Lynda Williams appeared on behalf of Parent and Student. Attorneys Dee Anna Hassanpour and Matejka Handley appeared on behalf of San Juan Unified School District. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

SAN JUAN'S REQUEST FOR CONTINUANCE

On April 26, 2023, San Juan filed a motion to continue the hearing because its counsel is unavailable for the scheduled hearing dates. San Juan's lead counsel has pre-paid out-of-state travel plans. San Juan is requesting a one-week continuance. Student filed an opposition on May 1, 2023, asserting San Juan's law firm should have assigned another attorney who did not have a scheduling conflict. During the PHC, both parties were heard on the motion. This is the first request for a 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).)

San Juan established good cause for a short continuance so that its preferred counsel may represent it. This matter shall proceed as follows.

The Prehearing Conference is continued to May 15, 2023, at 1:00 PM. Any prehearing motions shall be filed three business days prior to the continued prehearing conference or with a showing of good cause as to the late filing.

The Due Process Hearing shall be held on May 23, 24, and 25, 2023, and continue day to day at the discretion of the ALJ. The hearing shall begin at 9:30 AM each day and generally end at 3:30 PM, unless otherwise ordered.

PARTICIPANT INFORMATION SHEETS FOR THE PREHEARING CONFERENCE AND HEARING DATES MUST BE FILED TWO BUSINESS DAYS PRIOR TO THE DATE OF THE SCHEDULED EVENT.

OAH is authorized to conduct due process hearings by videoconference or telephone. (Cal. Code Regs., tit. 5, § 3082, subd. (g).) OAH will conduct the due process hearing by videoconference using the Zoom application. Unless otherwise ordered, participants are required to appear by videoconference using a computer or device with video capability and Zoom. The parties shall immediately notify all potential witnesses of the hearing dates and shall subpoena witnesses, if necessary, to ensure that the witnesses will appear to testify. A party's failure to notify or subpoena a witness to testify will not be considered good cause to continue the hearing. Instructions for issuing and responding to subpoenas and optional forms for subpoenas can be found on the website at https://www.dgs.ca.gov/OAH/Case-Types/Special-Education/Forms/Subpoenas?search=special%20education%20subpoena.

SETTLEMENT

The parties are encouraged to work together to reach an agreement before the due process hearing. The parties shall inform OAH in writing immediately if they reach a settlement or otherwise resolve the dispute before the scheduled prehearing conference and hearing. Dates for the prehearing conference and hearing will not be cancelled unless a letter of withdrawal or signature page of the signed agreement has been received and processed by OAH. If the matter settles subject to board approval, in addition to a signed copy of the signature page of the settlement agreement, the

parties shall provide the date of the next board meeting. The hearing dates will not be cancelled without this information.

IT IS SO ORDERED.

Theresa Ravandi

Theresa Ravandi

Administrative Law Judge

Office of Administrative Hearings