BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS OF:

PLEASANT VALLEY SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT,

OAH CASE NUMBER 2019090819

and

PARENT ON BEHALF OF STUDENT,

v.

PLEASANT VALLEY SCHOOL DISTRICT AND VENTURA COUNTY OFFICE OF EDUCATION

OAH CASE NUMBER 2019080672

ORDER GRANTING REQUEST FOR CONTINUANCE FOR SUBMISSION OF WRITTEN CLOSING BRIEFS

On November 13, 2019, at the close of the evidentiary portion of the hearing, Pleasant Valley School District and Ventura County Office of Education requested a continuance to file written closing briefs.

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 for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include whether the interests of justice are served by the continuance or imposing conditions on the continuance; and any other relevant fact or circumstance. (Cal. Rules of Court, rule 3.1332(d).)

The hearing ALJ reviewed the request for good cause and considered all relevant facts and circumstances. The hearing ALJ granted the request for continuance from November 13, 2019 through December 4, 2019. The interests of justice favor a continuance to allow Student, as well as moving parties, to file written closing briefs addressing the issues brought to hearing. The briefs should be no more than 35 pages long, double spaced, using 12-point font, unless a larger font is required as an accommodation. No copies of any documents may be attached. Closing briefs are due by, and the matter will be submitted for decision on, December 4, 2019, at 5:00 PM.

Briefs should address issues as stated in the Order Following Prehearing Conference, issued on October 8, 2019, specifically:

AS TO RESPONDENT'S CASE

Did Pleasant Valley's individualized education program, also called an IEP, developed on March 7, 2019 and May 31, 2019, offer Student a free appropriate public education, also called a FAPE, in the least restrictive environment appropriate for Student, such that Pleasant Valley may implement the IEP without Parents' consent?

AS TO STUDENT'S CASE

1. Did Respondents deny Student a FAPE from February 2018 to the filing of Student's complaint, by failing to provide Student physical therapy and adapted physical education services; and
2. Did Respondents deny Student a FAPE, or deny Parents' meaningful participation in the development of Student's IEP for the 2019 to 2020 school year, by refusing to work with Parents to develop an appropriate IEP for Student, or failing to offer Student a FAPE in the least restrictive environment appropriate for Student, for the 2019 to 2020 school year?

IT IS SO ORDERED.

DATED: November 14, 2019

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Cole Dalton
Administrative Law Judge
Office of Administrative Hearings