BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. SAN BERNARDINO COUNTY SUPERINTENDENT OF SCHOOLS, RIALTO UNIFIED SCHOOL DISTRICT, AND COLTON JOINT UNIFIED SCHOOL DISTRICT.	OAH Case No. 2015060423 ORDER FOLLOWING PREHEARING CONFERENCE, CONTINUING PREHEARING CONFERENCE AND DUE PROCESS HEARING

On October 12, 2015 a telephonic prehearing conference was held before Administrative Law Judge Clifford H. Woosley, Office of Administrative Hearings. Attorney Tania L. Whiteleather appeared on behalf of Student. Attorney Deborah R. G. Cesario appeared on behalf of respondents San Bernardino County Superintendent of Schools, Rialto Unified School District, and Colton Joint Unified School District. The PHC was recorded.

Districts' Request for Continuance

The respondents moved for a continuance on October 6, 2015. OAH did not receive a written opposition from Student. Respondents' motion to continue was discussed and resolved at this prehearing conference.

OAH set the October 22, 2015 hearing date pursuant to an August 31, 2015 scheduling order, which OAH issued following the granting of Student's motion to amend. Respondents now seek a short continuance because Respondent's counsel and representative are scheduled to be out of town, at a long-planned conference, for which counsel has expended funds for various reservations. Respondent's counsel mentioned this long-planned commitment at the August 17, 2015 PHC and indicated she would seek a continuance if the new hearing dates fell on the conference date.

Good cause exists for granting a short continuance. Respondents seek a continuance to the week of November 9, 2015, a week to which Student's counsel did not agree. The parties estimate three days for hearing. After considering the attorneys' positions, ALJ Woosley orders the hearing continued to the week of November 30, 2015.

OAH has considered all relevant facts and circumstances and determined that good cause exists for the continuation. All dates are vacated. This matter will be set as follows:

Prehearing Conference:	November 20, 2015, at 10:00 a.m.
Due Process Hearing:	November 30 and December 1, 2 and 3, 2015, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. The first day of hearing shall commence at 1:30 p.m.; all remaining hearing days shall begin at 9:00 a.m. The hearing shall take place at Colton Joint Unified School District, 10435 Cedar Ave., Bloomington, CA 92316.

2. Accessibility of Hearing Facilities

The named local educational agency – here, Colton Joint Unified School District – shall provide facilities for the scheduled mediation and hearing that fully comply with the Americans with Disabilities Act of 1990 (42 U.S.C.A. § 12101 et seq.), the Rehabilitation Act of 1973 (29 U.S.C.A. § 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. The named local educational agency shall certify that the facilities used for this case comply with the law. ALJ Woosley reminded Gabriella Charter School's counsel, during the PHC, of the duty to file certification that the facilities are in full compliance.

If the signed Local Education Agency Certification Form or a comparable certification is not received by OAH within five days of the date of this order, OAH may schedule the case at another legally compliant location and report this failure to the Department of Education. If the assigned ALJ determines a location provided by the local education agency does not fully comply with the Americans with Disabilities Act of 1990 (42 U.S.C.A. § 12101 et seq.), the Rehabilitation Act of 1973 (29 U.S.C.A. § 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, the ALJ may order the proceedings moved or continued, and report the failure to the Department of Education.

IT IS SO ORDERED.

DATE: October 12, 2015

/S/

CLIFFORD H. WOOSLEY
Administrative Law Judge
Office of Administrative Hearings