

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENT ON BEHALF OF STUDENT,	OAH CASE NO. 2012100123
v.	
TEMPLETON UNIFIED SCHOOL DISTRICT,	
TEMPLETON UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2012070354
v.	
PARENT ON BEHALF OF STUDENT.	ORDER FOLLOWING PREHEARING CONFERENCE, GRANTING CONTINUANCE OF PREHEARING CONFERENCE ONLY

On January 7, 2013, a telephonic prehearing conference (PHC) was held before Administrative Law Judge (ALJ) Theresa Ravandi, Office of Administrative Hearings (OAH). Diane Willis, Attorney at Law, appeared on behalf of the Templeton Unified School District (District). Marcy Tiffany, Attorney at Law, along with paralegal Jennifer Ralph appeared on behalf of Student (Student). Both Mother and Father also appeared for the PHC. The PHC was recorded.

Based on discussion with the parties, the ALJ issues the following order:

1. Motion for Continuance of the PHC: This matter is set for hearing beginning on January 14, 2013. The parties jointly requested a brief continuance of this PHC based on the grounds that they had exchanged drafts of a proposed settlement agreement, and that the parties were reasonably confident that they had reached a final agreement that Parents needed to review with counsel prior to signing.

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 have established good cause to continue the PHC only based upon their continued efforts to reach a final settlement agreement and the motion to continue is granted. The PHC is continued to Wednesday, January 9, 2013 at 10:00 a.m. The dates for the due process hearing remain as previously scheduled.

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 January 9, 2013. The parties represent that they have exchanged evidence binders in accordance with Education Code section 56505, subdivision (e)(7).

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 a signed agreement has been received by OAH.

IT IS SO ORDERED.

Dated: January 7, 2013

/s/

THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings