

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENTS ON BEHALF OF STUDENT,

v.

LOOMIS ELEMENTARY SCHOOL
DISTRICT,

OAH CASE NO. 2012120052

LOOMIS ELEMENTARY SCHOOL
DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NO. 2012110454

ORDER FOLLOWING PREHEARING
CONFERENCE CONTINUING
PREHEARING CONFERENCE ONLY

Hearing in this matter is now set for February 25 through 28, and March 4, 2013. On February 11, 2013, a telephonic prehearing conference (PHC) in this matter was convened before Administrative Law Judge Deidre L. Johnson (ALJ), Office of Administrative Hearings (OAH). Attorney Colleen Snyder appeared for Student and Parents (Student). Attorney Colleen R. Villarreal appeared on behalf of the Loomis Unified School District (District). The PHC was recorded. Based on discussion with the parties, the following order is issued:

1. Motion for Continuance of PHC: During the PHC, the parties stated they are in the final stages of negotiating a written settlement agreement and requested to briefly continue the PHC.

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).)

In the absence of a signed settlement agreement, the hearing may generally not be dropped from the calendar but the PHC may be continued to support the settlement process. Here, the parties established good cause to continue the PHC only.

☒ The motion is granted. The telephonic PHC will be set for the following date and time:

PHC: February 20, 2013, at 10:00 a.m.

3. 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. All hearing dates remain as scheduled.

4. Settlement: Dates for the PHC and the hearing will not be cancelled until a letter of withdrawal, or a request for dismissal with the signature page of the signed agreement has been received by OAH. If the settlement agreement has been executed but is subject to approval of the school board, the parties may file a motion for OAH to vacate the hearing dates and set a telephonic status conference for a date following board approval.

Dated: February 11, 2013

/s/

DEIDRE L. JOHNSON
Administrative Law Judge
Office of Administrative Hearings