

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

STUDENT,

v.

LINCOLN UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2012120810

ORDER FOLLOWING PREHEARING
CONFERENCE, CONTINUING
PREHEARING CONFERENCE AND
DUE PROCESS HEARING

On February 6, 2013, a telephonic prehearing conference (PHC) was held before Administrative Law Judge (ALJ) Bob N. Varma, Office of Administrative Hearings (OAH). Mother appeared as representative for Student, who is over 18 years of age. Anne Sherlock, Attorney at Law, appeared on behalf of the Lincoln Unified School District (District). The PHC was not recorded.

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

Continuance of PHC and Due Process Hearing. This matter is set for hearing on February 14, 2013. At the PHC the parties informed OAH that they had reached a full and final settlement. District confirmed that Parent was representing Student and District understood that Parent would be filing a withdrawal of the matter. Parent stated that a withdrawal had been drafted, Student had signed it, but Parent had been unable to file it with OAH. Parent stated that it would be filed within a few days.

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 hearing because the case has settled and Parent has inadvertently failed to file the withdrawal. The matter is continued and Parent is instructed to file the withdrawal with OAH, and serve it upon District's counsel, as soon as possible. All dates are vacated. This matter will be set as follows:

Prehearing Conference: February 13, 2013, at 1:30 PM

Due Process Hearing: February 21, 2012, at 9:30 AM, and day to day,
Monday through Thursday, unless otherwise
ordered

IT IS SO ORDERED.

Dated: February 6, 2013

/s/

BOB N. VARMA
Presiding Administrative Law Judge
Office of Administrative Hearings