

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

DIXON UNIFIED SCHOOL DISTRICT
AND DIXON MONTESSORI CHARTER
SCHOOL.

OAH CASE NO. 2013090674

ORDER FOLLOWING PREHEARING
CONFERENCE GRANTING
CONTINUANCE

On November 4, 2013, a telephonic prehearing conference (PHC) was held before Administrative Law Judge (ALJ) Margaret Broussard, Office of Administrative Hearings (OAH). Tania Whiteleather, Attorney at Law, appeared on behalf of the Student. Elizabeth Rho-Ng, Attorney at Law, appeared on behalf of the Dixon Unified School District and was accompanied by Jennifer Baldassari, Attorney at Law. Kathleen Ebert, Attorney at Law, appeared for the Dixon Montessori Charter School and was accompanied by Lisa Corr, Attorney at Law. The PHC was recorded.

At the PHC, the parties made a joint request to continue the dates for the PHC and the hearing in this matter and asked that another mediation date be scheduled. The parties were unable to attend the originally scheduled mediation date and all wish to mediate this matter. This is the first request for a continuance in this matter and the parties agreed on proposed dates for the continued mediation. The parties were not in agreement on proposed dates for the continued dates for the PHC and hearing.

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).)

Good cause having been shown, the motion was granted and all dates currently on calendar in this matter are vacated.

This matter will be set as follows:

Mediation:	November 14, 2013, at 10:00 AM
Prehearing Conference:	February 14, 2014, at 10:00 AM
Due Process Hearing:	February 25, 2014, at 9:30 AM, February 26, 2014, at 9:00 AM, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

Dated: November 4, 2013

/s/

MARGARET BROUSSARD
Administrative Law Judge
Office of Administrative Hearings