

BEFORE THE

OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LODI UNIFIED SCHOOL DISTRICT and
VALLEY MOUNTAIN REGIONAL
CENTER.

OAH CASE NO. 2013110146

ORDER FOLLOWING PREHEARING
CONFERENCE AND ORDER
CONTINUING PREHEARING
CONFERENCE

On December 16, 2013, a telephonic prehearing conference (PHC) was held before Administrative Law Judge (ALJ) Rebecca Freie, Office of Administrative Hearings (OAH). Richard Ruderman, Attorney at Law, appeared on behalf of Student. Heather Edwards, Attorney at Law, appeared on behalf of Lodi Unified School District (District). Anthony Hill, Assistant Director of Case Management for Valley Mountain Regional Center (Valley Mountain) appeared on its behalf. The PHC was recorded.

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

Student, the District and Valley Mountain all have pending motions before OAH concerning this matter, and a companion case, OAH Case No. 2013061092, a matter filed by Student naming Valley Mountain as the respondent. All four motions were received by OAH between December 13 and December 16, 2013. Parties in special education matters generally have three business days to respond to written motions.

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 for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have

stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

The parties in this matter must be given the opportunity to respond to the pending motions. Accordingly, the PHC in this matter is continued to 3:00 p.m. on December 20, 2013, at which time some or all of the motions will be ruled upon, including a motion to continue the due process hearing in this matter which is set to begin on December 24, 2013.

IT IS SO ORDERED.

Dated: December 17, 2013

/s/

REBECCA FREIE
Administrative Law Judge
Office of Administrative Hearings