

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

MONTAGUE ELEMENTARY SCHOOL
DISTRICT.

OAH Case No. 2014050896

ORDER FOLLOWING PREHEARING
CONFERENCE

On July 28, 2014, a telephonic prehearing conference (PHC) was held before Joy Redmon, Administrative Law Judge with the Office of Administrative Hearings. Attorney Brett Allen, appeared on Student's behalf. Attorney Aimee Perry appeared on Montague Elementary School District's (Montague's) behalf. The PHC was recorded.

Request for a Continuance: On July 1, 2014, OAH granted the parties joint request for a continuance due to the parties' representation that they had reached a settlement agreement but needed additional time to draft an execute the agreement. On July 28, 2014, Student filed a second request to continue this matter asserting that Student's parents were currently in a custody dispute, the results of which may have a significant impact on the due process hearing. Montague did not oppose the request. Based on the information presented, Student established good cause to continue the 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) (2006); 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).)

ORDER

1. All dates are vacated.
2. A prehearing conference is scheduled for November 10, 2014, at 3:00 p.m. and the due process hearing is scheduled on November 18, 2014, from 9:30 a.m. to 5:00 p.m. and continuing day-to-day thereafter from 9:00 a.m. to 5:00 p.m., Tuesday through Thursday at the discretion of the ALJ.

IT IS SO ORDERED.

DATE: July 28, 2014

/s/

JOY REDMON
Administrative Law Judge
Office of Administrative Hearings