

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

CENTER UNIFIED SCHOOL DISTRICT.

OAH Case No. 2014100250

ORDER FOLLOWING PREHEARING
CONFERENCE CONTINUING
PREHEARING CONFERENCE ONLY

On November 17, 2014, a telephonic prehearing conference was held before Administrative Law Judge Deidre L. Johnson, Office of Administrative Hearings. Attorney Colleen Snyder appeared on behalf of Student and Parent. Attorney Heather Edwards appeared on behalf of the Center Unified School District. The PHC was recorded.

1. Motion for Continuance: The parties jointly requested a continuance of the prehearing conference only, based on a pending settlement of the case.

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 a 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 represented that a settlement agreement has been negotiated and is in the process of being circulated for final signatures. In the absence of an executed settlement agreement, the hearing may not be dropped from the calendar but the prehearing conference may be continued to support the settlement process. The parties established good cause and the request is:

☒ Granted. The telephonic prehearing conference will be set for the following date and time:

November 21, 2014, at 1:00 p.m.

2. 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 continued prehearing conference.

3. Hearing Dates: The hearing remains scheduled to begin on November 25, 2014. The hearing shall be held on November 25, and 26, and December 2, and 3, 2014, for a total of four days of hearing. The hearing shall begin at 9:30 a.m. on November 25, and December 2, 2014; and shall begin at 9:00 a.m. on all other days.¹

4. Settlement: Dates for the prehearing conference 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 review.

IT IS SO ORDERED.

DATE: November 17, 2014

/s/

DEIDRE L. JOHNSON
Administrative Law Judge
Office of Administrative Hearings

¹ The length of the hearing should be reevaluated in connection with the next prehearing conference. During the hearing, if the parties establish cause to extend the hearing longer, the hearing may continue day to day, Monday through Thursday as needed, in the discretion of the ALJ.