

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

ROSEVILLE JOINT UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2015010146

ORDER FOLLOWING PREHEARING
CONFERENCE GRANTING MOTION
TO CONTINUE

On January 23, 2015, a telephonic prehearing conference (PHC) was held before Administrative Law Judge B. Andrea Miles, Office of Administrative Hearings. Attorney Heather Edwards represented the Roseville Joint Unified School District. Student's mother represented Student. The PHC was recorded.

Based on discussion with the parties, Student's motion to continue the due process hearing, and Roseville's written opposition to Student's motion, the following order is issued:

1. Motion for Continuance: On January 22, 2015, Student filed a Motion to Continue. On that same day, District filed an opposition to Student's motion.

At the beginning of the PHC, the parties argued their respective positions. Mother requested a three month continuance in order to secure counsel. During the hearing, Mother indicated that she had made attempts to secure counsel. No prior continuances have been granted in this matter. Roseville opposed Student's motion on the basis that Student had not shown good cause to continue and that Roseville was required to assess Student and convene Student's triennial individualized education program team meeting by March 20, 2015.

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).)

Student has established good cause to continue the hearing and the motion is granted. All dates are vacated. This matter will be set as follows:

Telephonic PHC:

Date: February 20, 2015
Time: 10:00 AM

Due Process Hearing:

Date: March 3 and 4, 2015
The hearing shall continue day to day, Monday through Thursday, as needed at the discretion of the ALJ.
Time: 9:30 AM on March 3, 2015 and 9:00 AM each day thereafter.
Place: 2501 Woodcreek Oak Boulevard
Roseville, California 95747

2. Scheduling of Mediation: The parties requested that a mediation be set in this matter. The parties' request is granted and the new mediation date will be set as follows:

Date: February 11, 2015
Time: 9:30 AM
Place: 2501 Woodcreek Oak Boulevard
Roseville, California 95747

IT IS SO ORDERED.

Dated: January 23, 2015

/s/

B. ANDREA MILES
Administrative Law Judge
Office of Administrative Hearings