

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

MOUNTAIN VIEW ELEMENTARY
SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2014120930

ORDER FOLLOWING PREHEARING
CONFERENCE

On January 9, 2015, a prehearing conference was commenced telephonically before Administrative Law Judge Robert G. Martin, Office of Administrative Hearings. Cynthia Yount, Esq. appeared on behalf of Mountain View Elementary School District. Student's mother (Parent) appeared on behalf of Student. Interpreter Victor Ramos provided interpretation from English to Spanish, and Spanish to English. The PHC was recorded. District filed a PHC Statement in this matter on January 9, 2015 at 2:00 p.m. Student did not file a PHC Statement in this matter.

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

1. Parties' Request for Continuance. On January 5, 2015, District filed a request for a continuance of the prehearing conference and hearing dates in this matter. At the commencement of the PHC, Parent confirmed that Student joined in District's request.

A due process hearing must be held, and a decision rendered, within 45 days of receipt of the complaint, unless a continuance is granted for good cause. (Ed. Code, §§ 56502, subd. (f) & 56505, subd. (f)(1)(C)(3).) Here, good cause was shown for a continuance. The matter was filed recently by District on December 18, 2014, and the parties have not previously requested any continuances. Based on discussion of the parties, the ALJ issues the following order:

ORDER

On joint motion of the parties, the PHC is continued for completion, and the Due Process Hearing continued, as follows:

Completion of Telephonic PHC: February 16, 2015, at 10:00 a.m.

Due Process Hearing: February 23-25, 2015, at Mountain View Elementary School District, 3320 Gilman Road, El Monte, CA 91732, from 1:30 p.m. to 5:00 p.m. on February 23, 2015, and from 9:00 a.m. to 5:00 p.m. each day thereafter, and continuing day to day, Monday through Thursday, as needed at the discretion of the ALJ.

The parties shall immediately notify all potential witnesses of the hearing dates, and shall subpoena witnesses if necessary, to ensure that the witnesses will be available to testify. A witness will not be regarded as unavailable for purposes of showing “good cause” to continue the hearing if the witness is not properly notified of the hearing date or properly subpoenaed, as applicable.

Student shall file and serve a PHC Statement no later than three business days prior to the continued PHC; that is, on or before February 11, 2015. District may file and serve an amended PHC Statement no later than three business days prior to the continued PHC, but is not required to do so.

Dated: January 12, 2015

/s/

ROBERT MARTIN
Administrative Law Judge
Office of Administrative Hearings