

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 PREHEARING
CONFERENCE

On February 20, 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 parent represented Student. Parent indicated that an advocate, Jessica Stiles, is representing Parent on behalf of Student. However at the time of the PHC, OAH had not received a notice of representation from Ms. Stiles. Efforts were made to reach Ms. Stiles by telephone, but she could not be reached prior to the PHC. Parent indicated that she was comfortable proceeding with the PHC without the assistance of the advocate. The PHC was recorded.

Based on discussion with the parties and the parties' joint request for continuance of the PHC following order is issued:

1. Motion for Continuance of Prehearing Conference: This matter is set for hearing on March 3 and 4, 2015, and continuing day to day as needed at the discretion of the Administrative Law Judge. At the beginning of the PHC, the parties requested to continue the PHC on grounds that the parties were currently engaged in settlement discussions and the parties wanted the opportunity to make a good faith effort to resolve the case prior to PHC.

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).)

The parties have established good cause to continue the PHC. As such, only the PHC is continued. This matter will be set as follows:

Telephonic PHC:

Date: February 27, 2015

Time: 1:00 PM

Due Process Hearing:

Date: Dates remain as previously set, 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. Notice of Representation for Student: Parent was advised to have the advocate submit a notice of representation as soon as possible.

3. 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 PHC on February 27, 2015.

4. Settlement: Dates for hearing will not be cancelled until a letter of withdrawal, or a request for dismissal and the signature page of the signed agreement has been received by OAH. If an agreement in principle is reached, the parties should plan to attend the scheduled hearing unless different arrangements have been agreed upon by the assigned ALJ.

IT IS SO ORDERED.

Dated: February 20, 2015

/s/

B. ANDREA MILES
Administrative Law Judge
Office of Administrative Hearings