

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

PARAMOUNT UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2015060071

ORDER FOLLOWING PREHEARING
CONFERENCE AND ORDER
GRANTING CONTINUANCE

On June 29, 2015, a telephonic prehearing conference was held before Administrative Law Judge Chris Butchko, Office of Administrative Hearings. Punam Patel Grewal, Attorney at Law, appeared on behalf of Student. Angela Gordon, Attorney at Law, appeared on behalf of Paramount Unified School District. The PHC was recorded.

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

1. Request for a Continuance. On June 25, 2015, Student filed a request for a continuance of the dates in this matter. Student did not contact District before filing the request and did not suggest specific dates for the continued hearing. Accordingly, the motion was denied without prejudice to being renewed at the prehearing conference. Student did renew the request at the prehearing conference. District opposed the request on the ground that one of its witnesses was available on the set dates, but would not be available afterwards until mid-August.

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 for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) 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).)

Student established good cause for a continuance and the request for continuance is granted. Counsel's potential scheduling conflict and the unavailability of Student's expert witness on the scheduled dates constitutes good cause for a continuance. Although District opposed the continuance, the parties were able to settle upon dates where there was no conflict for District's witness. Accordingly, the ALJ set the following dates upon agreement of the parties.

All dates in this matter are vacated and continued for good cause and the matter shall be set as follows:

Telephonic PHC: August 31, 2015, at 10:00 a.m. The prehearing conference will be initiated by an administrative law judge. The parties shall comply with the scheduling order issued in this case and file new PHC statements in a timely manner.

Due Process Hearing: September 8, 2015, at 1:30 p.m., September 9 - 10, 2015, at 9:30 a.m. and September 15 - 17, 2015, at 9:30 a.m., 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.

2. All other PHC matters shall be addressed at the continued PHC.

3. Settlement. The parties are encouraged to continue their attempts to reach an agreement before the due process hearing. The parties shall inform OAH in writing immediately should they reach a settlement or otherwise resolve the dispute before the scheduled hearing. If a settlement is reached five business days or fewer before the due process hearing is scheduled to begin, the parties shall, in addition, immediately inform OAH of that fact by telephone at (916) 263-0880.

Dates for hearing will not be cancelled until the letter of withdrawal or 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. The ALJ will check for messages the evening prior to the hearing and the morning of the hearing.

IF A FULL AND FINAL WRITTEN SETTLEMENT IS REACHED AFTER 5:00 P.M. ON THE LAST BUSINESS DAY PRIOR TO HEARING, THE PARTIES SHALL LEAVE A VOICEMAIL MESSAGE REGARDING THE SETTLEMENT AT (916) 274-6035, AND SHALL ALSO LEAVE CONTACT INFORMATION SUCH AS CELLULAR PHONE NUMBERS OF EACH PARTY OR COUNSEL FOR EACH PARTY. THE PARTIES SHOULD SIMULTANEOUSLY FAX THE SIGNATURE PAGE OF THE SIGNED AGREEMENT OR A LETTER WITHDRAWING THE CASE TO OAH AT THE FAXINATION LINE at 916-376-6319.

4. Failure to comply with this order may result in the exclusion of evidence or other sanctions.

IT IS SO ORDERED.

DATE: June 29, 2015

/s/

CHRIS BUTCHKO
Administrative Law Judge
Office of Administrative Hearings