

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

WEST CONTRA COSTA UNIFIED
SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2015050835

ORDER FOLLOWING PREHEARING
CONFERENCE AND GRANTING
JOINT REQUEST FOR
CONTINUANCE

On June 5, 2015, a telephonic prehearing conference was held before Administrative Law Judge B. Andrea Miles, Office of Administrative Hearings. Shawn Olson Brown, attorney, represented West Contra Costa Unified School District. Student's foster parent and educational rights holder (Parent) participated in the PHC. Haley Fagan, attorney with East Bay Children's Law Offices, represented Student.

Prior to the start of the PHC, East Bay Children's Law Offices had not filed a notice of representation with OAH. During the hearing, Ms. Fagan indicated that her office was in the process of filing the notice of representation, but was having some difficulty with OAH's fax line. Ms. Fagan, who represents Student in Student's juvenile dependency case, indicated that her office was also representing Student in this matter. However, Ms. Fagan specified that her office does not represent Parent. Parent was in agreement with Ms. Fagan's assertions in regards to Children's Law Offices's representation of Student in this matter. The PHC was recorded.

Based on discussion with the parties the following order is issued:

1. Motion for Continuance of Due Process Hearing: On June 4, 2015, a Joint Request for Continuance was filed by West Contra Costa. However, the continuance request did not indicate who had signed the request on behalf of Student. At that PHC, Ms. Fagan indicated that attorney, Jenny Yu, an attorney at Children's Law Offices, had signed the Joint Request for Continuance. Ms. Boyd indicated that she was also seeking a continuance in this

matter. This matter's due process hearing is currently scheduled to begin on June 8, 2015. Both parties were in agreement they desired the opportunity to mediate the case prior to proceeding to hear. The prior mediation date had been canceled due to the unavailability of parties.

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 due process hearing. Therefore, the due process hearing and the PHC are continued and a new date is set for the mediation. This matter will be set as follows:

Mediation:

Date: July 9, 2015

Time: 9:30 AM

Telephonic PHC:

Date: August 10, 2015

Time: 10:00 AM

Due Process Hearing:

Date: August 18, 2015, August 19, 2015, and continuing day to day, Monday through Thursday, as needed at the discretion of the ALJ.

Time: 9:30 AM on August 18, 2015, and 9:00 AM on August 19, 2015

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 PHC on August 10, 2015.

3. Settlement: If the matter settles before hearing, 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: June 8, 2015

/s/

B. ANDREA MILES
Administrative Law Judge
Office of Administrative Hearings