

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

TEHACHAPI UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2015050839

ORDER FOLLOWING PREHEARING
CONFERENCE AND CONTINUING
THE PREHEARING CONFERENCE
AND DUE PROCESS HEARING
DATES

On July 27, 2015, a telephonic prehearing conference was held before Administrative Law Judge Elsa H. Jones, Office of Administrative Hearings. Andréa Marcus, Attorney at Law, appeared on behalf of Student and Parents (collectively, Student). Stacy L. Inman, Attorney at Law, appeared on behalf of Tehachapi Unified School District. The PHC was recorded.

Based on discussion with the parties, the ALJ issues the following Order:

1. Hearing Dates, Times, and Location. On July 20, 2015, District filed a motion to continue this matter, on the grounds that another case involving Ms. Marcus and the District, OAH Case No. 2015030954, consolidated with OAH Case No. 2015050934, would be proceeding to hearing on August 5, 2015, and on dates thereafter, which were the same dates upon which OAH scheduled this matter for hearing. Student did not oppose the motion.

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) (2006); 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).)

Good cause exists for granting the continuance, as there have been no previous continuances of this matter, and Ms. Marcus and District have a true calendar conflict involving another matter which is scheduled to, and anticipated to, proceed to hearing on the same dates as this matter was scheduled for hearing.

Therefore, the hearing shall take place on October 28-29, and November 3-4, 2015, and continuing day to day thereafter, Monday through Thursday as needed, at the discretion

of the ALJ. Unless otherwise ordered, the hearing shall commence at 9:30 a.m. on October 28, 2015, and at 9:00 a.m. on all other days.

The hearing shall take place at the District's offices located at 300 S. Robinson Street, Tehachapi, California 93561.

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 was not properly notified of the hearing date or properly subpoenaed, as applicable.

2. Continued PHC: The telephonic PHC is continued to October 16, 2015, at 1:00 p.m. OAH will initiate the conference call.

3. Settlement. The parties are encouraged to continue working together 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. In addition, if a settlement is reached within five days of the scheduled start of the due process hearing, the parties shall also inform OAH of the settlement by telephone at (916) 263-0880.

IT IS SO ORDERED.

DATE: July 28, 2015

/s/

ELSA H. JONES
Administrative Law Judge
Office of Administrative Hearings