

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN LUIS OBISPO COUNTY OFFICE OF
EDUCATION, ATASCADERO UNIFIED
SCHOOL DISTRICT, and PASO ROBLES
JOINT UNIFIED SCHOOL DISTRICT.

OAH Case No. 2015080631

ORDER FOLLOWING PREHEARING
CONFERENCE AND CONTINUING
PREHEARING CONFERENCE ONLY

On September 11, 2015, a telephonic prehearing conference (PHC) was held before Administrative Law Judge (ALJ) Rebecca Freie, Office of Administrative Hearings (OAH). Rick Ruderman, Attorney at Law, appeared on behalf of Student. Jason Shinnefield, Attorney at Law, appeared on behalf of San Luis Obispo County Office of Education. Sarah Garcia, Attorney at Law, appeared on behalf of Atascadero Unified School District. Shauna Cunningham, Attorney at Law, appeared on behalf of Paso Robles Joint Unified School District. The PHC was recorded.

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

1. Hearing Dates, Times, and Location. The parties jointly requested a continuance of the PHC only. The ground for the continuance is that a settlement agreement is currently circulating among the parties with the signature of Parents still required

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.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other

pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

Good cause has been shown for a continuance of the PHC for the expedited portion of this matter. The PHC is continued to 3:00 p.m., on September 14, 2015.

Dates for and the PHC and hearing will not be cancelled until the letter of withdrawal or signature page of the signed agreement has been received by OAH. If the settlement agreement is still not fully executed at the time now set for the PHC, the parties shall be prepared to proceed with the PHC on September 14, 2015.

IT IS SO ORDERED.

DATE: September 11, 2015

/s/

REBECCA FREIE

Administrative Law Judge

Office of Administrative Hearings