

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SONOMA VALLEY UNIFIED SCHOOL  
DISTRICT AND SONOMA COUNTY  
OFFICE OF EDUCATION.

OAH Case No. 2015060869

ORDER FOLLOWING PREHEARING  
CONFERENCE; GRANTING  
REQUEST FOR CONTINUANCE; AND  
SETTING PREHEARING  
CONFERENCE AND HEARING  
DATES

On September 21, 2015, a telephonic prehearing conference was held before Administrative Law Judge Theresa Ravandi, Office of Administrative Hearings. Daniel R. Shaw, Attorney at Law, appeared on behalf of Parent and Student. Deborah U. Ettinger, Attorney at Law, appeared on behalf of Sonoma Valley Unified School District. Carl D. Corbin, Attorney at Law, appeared on behalf of Sonoma County Office of Education. The PHC was recorded.

Based upon discussion with the parties, the ALJ issues the following order:

1. Joint Request to Continue. This matter was set to begin hearing on September 29, 2015. On September 18, 2015, OAH denied the parties' second request for a continuance due to the length of the continuance requested. At the start of the PHC, the parties renewed their request for a second continuance to allow time to complete recently agreed-upon assessments and participate in further settlement discussions.

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 established good cause for a further continuance in this matter. All dates were vacated and the matter was continued to the following dates:

Prehearing Conference: December 4, 2015, at 1:00 p.m.

Due Process Hearing: December 15, 2015, at 9:30 a.m., December 16-17, 2015, at 9:00 a.m., and continuing day to day, Monday through Thursday, as needed at the discretion of the ALJ.

The hearing shall take place at Sonoma Valley's District Offices located at 17850 Railroad Ave., Sonoma, California, 95476. Sonoma Valley shall provide a facility for the hearing that fully complies with the Americans with Disabilities Act of 1990 (42 U.S.C.A. § 12101 et seq.), the Rehabilitation Act of 1973 (29 U.S.C. § 794 et seq.), the Unruh Civil Rights Act (Civ. Code, § 51 et seq.), and all laws governing accessibility of government facilities to persons with disabilities.

2. Notice to Witnesses. 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.

3. Other Matters. All other matters relevant to preparing for hearing, including clarification of the issues and identification of witnesses and exhibits, will be addressed at the PHC on December 4, 2015. The parties are required to file a PHC statement at least three business days prior to the PHC.

4. 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. Dates for the PHC and hearing will not be cancelled unless OAH receives a letter of withdrawal or request for dismissal from Student, or unless otherwise ordered.

IT IS SO ORDERED.

DATE: September 21, 2015

/s/

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THERESA RAVANDI  
Administrative Law Judge  
Office of Administrative Hearings