

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 December 4, 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. Sonoma Valley's Request for Continuance. This matter was set to begin hearing on December 15, 2015. At the start of the PHC, Sonoma Valley moved for a continuance based upon the unavailability of its counsel due to medical issues and a need to have another attorney assigned to this matter. Student and Sonoma County did not oppose a continuance.

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).)

Sonoma Valley established good cause for a further continuance in this matter. **However, the parties are advised that no further continuances will be granted absent a**

showing of substantial good cause. All dates were vacated and the matter was continued to the following dates:

Prehearing Conference:	January 8, 2016, at 1:00 p.m.
Due Process Hearing:	January 19, 2016, at 1:30 p.m., January 20-21, 2016, at 9:00 a.m., January 25, 2016, at 1:30 p.m., January 26, 2016, 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 Avenue, Sonoma, California, 95476. Sonoma Valley, as the named local educational agency providing the hearing location, is to provide a facility for the hearing that fully complies with the Americans with Disabilities Act of 1990 (42 U.S.C. § 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. Sonoma Valley has not yet certified that it will provide a facility for this case that complies with the law. **Sonoma Valley shall inform OAH within two business days of this order whether it is able to certify that it will provide a facility that complies with the law, and file that certification with OAH.**

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 January 8, 2016.

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: December 4, 2015

/s/

THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings