

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

CORONA-NORCO UNIFIED SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NUMBER 2024060926

ORDER FOLLOWING PREHEARING CONFERENCE

GRANTING REQUEST FOR CONTINUANCE

JULY 15, 2024

On July 15, 2024, Administrative Law Judge Ted Mann, Office of Administrative Hearings held a telephonic prehearing conference. The Administrative Law Judge will be referred to as an ALJ. The prehearing conference will be referred to as a PHC.

Attorneys Julie Coate and Jasey Mahon appeared on behalf of Corona-Norco Unified School District. Self-represented Parents appeared on behalf of Student. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

HEARING DATES, TIMES, AND LOCATION

Corona-Norco moved to continue the prehearing conference and due process hearing based on pre-scheduled and pre-paid vacations by Corona-Norco's attorneys conflicting with the hearing dates. Corona-Norco also asserted unavailability of its counsel due to conflicting hearings, as well as scheduling issues for off-track district employees. The motion was timely filed three days prior to the prehearing conference. At the prehearing conference, Parents opposed the length of time for the requested continuance.

OAH must conduct a due process hearing and render a decision 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).)

This is the first requested continuance in this case. Corona-Norco has established good cause for a continuance due to pre-scheduled and pre-paid vacations of Corona-Norco's attorneys which conflict with the currently scheduled dates of the hearing. Corona-Norco has established good cause for a continuance to September 4, 2024 due to scheduled appearances in earlier filed cases between July 25, 2024 and September 4, 2024. Earlier filed cases take priority. No good cause is found due to Corona-Norco's school breaks.

All previously scheduled dates are vacated. The case shall proceed as follows:

PREHEARING CONFERENCE will be held on Friday, August 23, 2024, at 3:00 PM.

All other prehearing matters shall be discussed at the August 23, 2024 PHC. All prehearing motions must be filed three business days before the PHC.

DUE PROCESS HEARING will be held on September 4, 2024 through September 5, 2024. No hearings are being scheduled for September 3, 2024 due to the Labor Day Holiday.

The hearing will be conducted via videoconference and shall begin at 9:30 AM and end at 3:30 PM and shall continue day to day, Mondays and Friday included, at the discretion of the Administrative Law Judge, unless otherwise ordered.

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.

SETTLEMENT

The parties shall immediately inform OAH in writing if they reach a settlement or otherwise resolve the dispute before the scheduled hearing. If the parties reach a settlement 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.

If a full and final written settlement agreement is reached after 5:00 PM the day before the hearing, the parties shall leave a voicemail message regarding the settlement

at (916) 274-6035. The parties should also leave contact information such as cellular phone numbers of each party or counsel for each party. At the same time, the parties should send the signature page of the signed agreement or a letter withdrawing the case to OAH at <https://www.applications.dgs.ca.gov/oah/oahsftweb>.

Dates for hearing will not be cancelled until the letter of withdrawal or 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. The assigned ALJ will check for messages before the hearing.

If the matter settles subject to board approval, in addition to a signed copy of the signature page of the settlement agreement, the parties shall provide the date of the next board meeting. The hearing dates will not be cancelled without this information.

FAILURE TO COMPLY

Failure to comply with this order may result in the exclusion of evidence or other sanctions.

IT IS SO ORDERED.

Ted Mann

Ted Mann

Administrative Law Judge

Office of Administrative Hearings