BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. SANTA BARBARA UNIFIED SCHOOL DISTRICT.	OAH Case No. 2016050450 ORDER FOLLOWING PREHEARING CONFERENCE, GRANTING CONTINUANCE AND SETTING PREHEARING CONFERENCE AND DUE PROCESS HEARING DATES

On June 20, 2016, a telephonic prehearing conference was held before Administrative Law Judge Lisa Lunsford, Office of Administrative Hearings. Father appeared on behalf of Student. Karen Gilyard, Attorney at Law, appeared on behalf of Santa Barbara Unified School District. The PHC was recorded.

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

1. Request for Continuance of Prehearing Conference and Due Process Hearing. At the outset of the prehearing conference, Student requested a continuance of the prehearing conference and due process hearing based on Father's unavailability during the dates set for due process hearing. Santa Barbara opposed the request if the due process hearing would be scheduled to commence prior to August 22, 2016, which is the day that school resumes for Santa Barbara, but did not oppose the request if the continued dates would be set for after August 22, 2016. This is the first request for continuance in this matter.

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).)

Student's request for a continuance is granted. All previously scheduled dates are vacated, and the matter will proceed as follows:[1]

Prehearing Conference:	August 29, 2016, at 10:00 a.m.
Due Process Hearing:	September 7, 2016, at 9:30 a.m., September 8, 2016, at 9:00 a.m., and continuing day to day, Monday through Thursday, at the discretion of the ALJ.

2. 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 prehearing conference on August 29, 2016.

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: June 20, 2016

DocuSigned by:
Lisa Lunsford
D6E73A1C80D6473...

LISA LUNSFORD
Administrative Law Judge
Office of Administrative Hearings

[1] It was determined that Santa Barbara's summer break does not constitute good cause for continuing the dates in this matter. The new dates are based on OAH's calendar.