BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2014020175
v.	ORDER FOLLOWING PREHEARING CONFERENCE AND ORDER GRANTING CONTINUANCE
ROSS VALLEY SCHOOL DISTRICT.	

On March 24, 2014, a telephonic prehearing conference (PHC) was held before Administrative Law Judge (ALJ) Peter Paul Castillo, Office of Administrative Hearings (OAH). Brett Smith Allen, Attorney at Law, appeared on behalf of Student. Emily E. Sugrue, Attorney at Law, appeared on behalf of Ross Valley School District (District). The PHC was recorded.

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

1. Request for a Continuance. On March 20, 2014, Student made a request for a continuance due to the unavailability of a key witness. 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) (2006); 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).)

Student established good cause for a continuance due to witness unavailability, Annie Crowder, Star Academy's Head of School, and prejudice to Student without her testimony as Student's proposed resolution requests placement at and reimbursement for attending Star Academy. Therefore, the PHC and the due process hearing are continued. The PHC shall take place on May 9, 2014, at 1:00 p.m.,[1] and the due process hearing shall take place on May 19 through 22, 2014. The hearing shall begin at 9:00 a.m. and end at 5:00 p.m., except for May 19, 2014, when the hearing shall begin at 1:30 p.m., unless otherwise ordered. The hearing shall take place at the District's offices, located at 110 Shaw Drive, San Anselmo, California 95661.[2]

[1] The parties need not file additional PHC statements. Any amendments by either party are due to OAH and the opposing party by 5:00 p.m. on May 6, 2013.

[2] At a minimum for the hearing, the room shall have separate tables capable of being moved into a courtroom configuration, as follows: (1) one table for Student's representatives;

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.

2. Settlement. The parties are encouraged to continue their attempts 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. If a settlement is reached five business days or fewer before the due process hearing is scheduled to begin, the parties shall, in addition, immediately inform OAH of that fact by telephone at (916) 263-0880. 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. IF A FULL AND FINAL SETTLEMENT IS REACHED AFTER 5:00 P.M. ON THE LAST BUSINESS DAY PRIOR TO HEARING, THE PARTIES SHALL LEAVE A VOICEMAIL MESSAGE REGARDING THE SETTLEMENT AT (916) 274-6035, AND SHALL ALSO LEAVE CELLULAR PHONE NUMBERS OF EACH PARTY OR COUNSEL FOR EACH PARTY. The ALJ will check for messages the evening prior to the hearing and the morning of the hearing.

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

IT IS SO ORDERED.

DATE: March 24, 2014

/s/
PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings

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(2) one table for District's representatives; (3) one table for the ALJ with a nearby electrical outlet; and (4) one witness table. District shall ensure that all parties and the ALJ have drinking water and tissue available to them.