BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
DOWNEY UNIFIED SCHOOL DISTRICT,	OAH Case No. 2016020526
v.	ORDER FOLLOWING PREHEARING CONFERENCE AND ORDER GRANTING CONTINUANCE
PARENT ON BEHALF OF STUDENT.	

On February 29, 2016, a telephonic prehearing conference was held before Administrative Law Judge Chris Butchko, Office of Administrative Hearings. Carlos Gonzales, Attorney at Law, appeared on behalf of District. Student's parents appeared on behalf of Student. The PHC was recorded.

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

1. Request for a Continuance. Mediation had been scheduled in this matter for February 25, 2016, but cancelled by parents. The due process hearing was to begin on March 8, 2016. On February 26, 2016, Student filed a request for a continuance of the dates in this matter. Because the request was filed in the afternoon on the Friday before this prehearing conference, it was heard at the prehearing conference.

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 for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) 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).) Parents represented that they wished to be represented by counsel in this matter, but had been unable so far to retain an attorney. They indicated that a brief continuance would be sufficient to allow them to obtain counsel.

Parents have established good cause for a continuance and the request for continuance is granted. Parents proposed convening a new mediation session, which was not opposed by District. As the parties could not agree on new dates in this matter, they have been set by the ALJ. 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.

All dates in this matter are vacated and continued for good cause and the matter shall be set as follows:

Mediation:	April 6, 2016, at 9:30 a.m.
Telephonic PHC:	April 15, 2015, at 10:00 a.m. The prehearing conference will be initiated by an administrative law judge. Parents shall ensure that they are at a telephone number which will accept call from a blocked or unknown number so that the ALJ will be able to place the call. The parties shall comply with the scheduling order issued in this case and file PHC statements in a timely manner.
Due Process Hearing:	April 26 and 27, 2016, at 9:30 a.m., and continuing day to day, Monday through Thursday as needed at the discretion of the ALJ.

2. All other PHC matters shall be addressed at the continued PHC.

3. 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. The ALJ will check for messages the evening prior to the hearing and the morning of the hearing.

IF A FULL AND FINAL WRITTEN 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 CONTACT INFORMATION SUCH AS CELLULAR PHONE NUMBERS OF EACH PARTY OR COUNSEL FOR EACH PARTY. THE PARTIES SHOULD SIMULTANEOUSLY FAX THE SIGNATURE PAGE OF THE SIGNED AGREEMENT OR A LETTER WITHDRAWING THE CASE TO OAH AT THE FAXINATION LINE at 916-376-6319.

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

IT IS SO ORDERED.

DATE: March 1, 2016

/S/

CHRIS BUTCHKO
Administrative Law Judge
Office of Administrative Hearings