BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

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| In the Matter of:<br><br>PARENTS ON BEHALF OF STUDENT,<br><br>v.<br><br>SEQUOIA UNION HIGH SCHOOL DISTRICT. | OAH Case No. 2015020856<br><br>ORDER FOLLOWING PREHEARING CONFERENCE, GRANTING CONTINUANCE REQUESTS AND SETTING PREHEARING CONFERENCE AND HEARING DATES |

On April 17, 2015, a telephonic prehearing conference was held before Administrative Law Judge Theresa Ravandi, Office of Administrative Hearings. Kathryn E. Dobel, Attorney at Law, appeared on behalf of Parents and Student. Kathryn E. Meola, Attorney at Law, appeared on behalf of Sequoia Union High School District. The PHC was recorded.

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

1. Student's Motion to Continue. This matter was set to begin hearing on April 29, 2015. Both parties estimate that this hearing will require at least five full days for hearing. During the PHC, Student made an oral motion to continue the hearing due to unavailability of counsel because of a scheduling conflict with another OAH matter which has been pending since September 2014, and is set to begin hearing on May 5, 2015.

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).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. Student established good cause for a continuance in this matter. OAH schedules hearings to proceed day-to-day, Monday through Thursday and the parties established this hearing will require at least five hearing days. Further, the conflicting matter

has been pending since September 2014, and takes precedence on the OAH calendar. All dates were vacated and the matter was originally continued to June 8, 2015.

2. Sequoia Union's Motion to Continue. During the PHC, Sequoia Union requested a continuance of the June 8, 2015 hearing date because its counsel has prepaid vacation plans the first two weeks of June 2015. Sequoia proposed the hearing be continued until September. Student's counsel stipulated to continue the hearing until September.

As noted above, special education matters are mandated to proceed to a speedy resolution. While Sequoia Union established good cause to continue the matter until counsel returned from her prepaid vacation, it did not establish good cause for a continuance to September 2015. The June 8, 2015 hearing date was vacated and the matter was continued as follows:

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| Prehearing Conference: | June 15, 2015, at 1:00 p.m. |
| Due Process Hearing: | June 22, 2015, at 1:30 p.m., June 23-25, 2015, at 9:00 a.m., June 29, 2015, at 1:30 p.m., and June 30, 2015, at 9:00 a.m., and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.[1] |

This hearing shall take place at Sequoia Union's District offices located at 480 James Avenue, Redwood City, California, 94062. Sequoia Union shall 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), the Unruh Civil Rights Act (Civ. Code, § 51 et seq.), and all laws governing accessibility of government facilities to persons with disabilities.

3. 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.

4. 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 June 15, 2015. If the parties choose to amend their PHC statements, they shall ensure that any amended statement is filed at least three business days prior to the PHC.

5. 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

[1] The parties were advised that no further continuances will be granted absent a showing of substantial good cause.

immediately should they reach a settlement or otherwise resolve the dispute before the scheduled PHC and hearing dates. Dates for the PHC and hearing will not be cancelled unless OAH receives a notice of withdrawal or request for dismissal of this matter from Student with the signature page of the signed agreement, or unless otherwise ordered.

IT IS SO ORDERED.

DATE: April 17, 2015

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THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings