

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH CASE NO. 2014010452

v.

HIGH TECH HIGH MEDIA ARTS CHARTER  
SCHOOL AND HIGH TECH MIDDLE  
SCHOOL.

HIGH TECH HIGH MEDIA ARTS CHARTER  
SCHOOL AND HIGH TECH MIDDLE  
SCHOOL,

OAH CASE NO. 2014010959

v.

PARENT ON BEHALF OF STUDENT.

ORDER GRANTING STUDENT'S  
REQUEST FOR CONTINUANCE AND  
SETTING NEW DATES FOR DUE  
PROCESS HEARING

This consolidated matter is presently set for a prehearing conference on February 21, 2014, and for a due process hearing to begin on March 11, 2014. On February 14, 2014, Student filed a motion to briefly continue the due process hearing because his mother was recently injured in a car accident. Student requested that the hearing be continued until any date after March 19, 2014.

The Districts filed a response to Student's motion on February 19, 2014. The Districts did not oppose Student's motion to continue as long as the due process hearing is scheduled for March 20, 2014, and continuing on April 8 – 10, 2014. The Districts explained that their staff will be on Spring Break between March 24 and April 4, 2014.

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.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule

3.1332(c.) The Office of Administrative Hearings (OAH) considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

Student has provided good cause for his request for continuance. His request is GRANTED. The present hearing dates are vacated. The matter will be set as follows:

Prehearing Conference:	February 21, 2014, at 10:00 a.m., as presently scheduled.
Due Process Hearing:	April 8 – 10, 2014, starting at 9:30 a.m. on April 8, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: February 19, 2014

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DARRELL LEPKOWSKY  
Acting Presiding Administrative Law Judge  
Office of Administrative Hearings