

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

HIGH TECH HIGH INTERNATIONAL,

v.

PARENTS ON BEHALF OF STUDENT.

OAH Case No. 2014050946

ORDER FOLLOWING PREHEARING  
CONFERENCE OF OCTOBER 6, 2014;  
GRANTING REQUEST FOR CHANGE  
OF VENUE; GRANTING REQUEST  
FOR CONTINUANCE

On October 6, 2014, a telephonic prehearing conference was held before Administrative Law Judge Paul H. Kamoroff, Office of Administrative Hearings. Jack B. Clarke, Attorney at Law, appeared on behalf of High Tech High International (High Tech). Student's mother appeared on behalf of Student. The PHC was recorded.

At the beginning of the PHC, Mother requested that the hearing venue be moved to an OAH courtroom, and requested that the hearing be continued to permit Student time to retain legal counsel. High Tech did not oppose either request.

APPLICABLE LAW AND DISCUSSION

*Request for Change of Venue*

The place for conducting a due process hearing must be reasonably convenient to the parents and pupil involved the proceeding. California Education Code section 56505, subdivision (b), directs the place for a due process hearing and provides:

- (b) The hearing shall be held at a time and place reasonably convenient to the parent or guardian and the pupil.

Student requested to change the hearing location from District's office to the San Diego OAH and High Tech did not oppose the request. The proposed location is reasonably convenient to Parents and the witnesses in this matter. Therefore, Student established good cause for a change in venue and the request is granted.

*Request for Continuance*

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).) 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).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is granted.

ORDER

1. The due process hearing for the above captioned matter shall be held at the Office of Administrative Hearings, located at 1350 Front Street, Suite 3005, San Diego, CA, 92101.
2. All dates previously set in OAH Case Number 2014050946 are vacated.
3. The matter shall be set as follows:

Mediation:	To be determined by the parties.
Prehearing Conference:	11/10/2014, at 3:00 p.m.

Due Process Hearing: 11/18/2014; 11/19/2014; 11/20/2014, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. The hearing shall begin at 9:30 a.m. on the first day of hearing, and at 9:00 a.m. on all other days, unless otherwise ordered.

DATE: October 7, 2014

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PAUL H. KAMOROFF  
Administrative Law Judge  
Office of Administrative Hearings