

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ANTELOPE VALLEY UNION HIGH
SCHOOL DISTRICT.

OAH Case No. 2015090574

ORDER GRANTING JOINT REQUEST
FOR CONTINUANCE AND SETTING
MEDIATION, PREHEARING
CONFERENCE AND HEARING

Student filed her initial due process hearing request on September 15, 2015, and this matter was set for hearing on November 9, 2015. On October 27, 2015, OAH granted Student's and Antelope Valley Union High School District's joint request to continue the hearing date to February 22, 2016. On January 25, 2016, Student filed an amended due process hearing request, and the matter was set for hearing on March 24, 2016. On February 18, 2016 Student and District filed a joint request to continue the dates in this matter with the Office of Administrative Hearings, on grounds that District was not available on the current March 24, 2016 hearing date.

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. All dates are vacated. However, this matter has been pending since September 15, 2015, and no further continuances are contemplated for any reason. This matter will be set as follows:

Mediation:	March 9, 2016 at 9:30 a.m.
Prehearing Conference:	May 13, 2016 at 1:00 p.m.
Due Process Hearing:	May 23- 26, 2016, starting at 1:30 p.m. on May 23, 2016 and at 9:00 each day thereafter, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

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.

IT IS SO ORDERED.

DATE: February 19, 2016

DocuSigned by:



ROBERT G. MARTIN

Administrative Law Judge 437...

Office of Administrative Hearings