

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ALHAMBRA UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2016030535

ORDER GRANTING DISTRICT'S
REQUEST FOR CONTINUANCE AND
SETTING MEDIATION, PREHEARING
CONFERENCE AND DUE PROCESS
HEARING

On April 1, 2016, District filed a request to continue the hearing in this matter with the Office of Administrative Hearings to dates in August 2016, based upon the unavailability of counsel due to calendar conflicts.

On April 7, 2016, Student filed a non-opposition to a continuance to the specific dates proposed, as Student's expert witnesses will be available to testify on those dates. Student also requests that mediation be scheduled for April 28, 2016.

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. Good cause appearing based on the parties stipulating to a series of mutually agreed dates. The request is:

Granted. All dates are vacated. This matter will be set as follows:

Mediation: April 28, 2016 at 9:30 AM

Prehearing Conference: August 1, 2016 at 1:00 PM

Due Process Hearing: August 9-11, 2016 at 9:30 AM first day, 9:00 AM after, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

[NOTE: Change in first day of hearing. OAH no longer sets hearings to start on Mondays.]

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: April 7, 2016

DocuSigned by:



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ALEXA J. HOHENSEE

Administrative Law Judge

Office of Administrative Hearings