

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

LITTLE LAKE CITY SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH Case No. 2016031213

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

On April 1, 2016, 2016, the parties filed a joint request to continue the hearing. This is the parties' first continuance request since the complaint's filing on March 23, 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 continuance and considered all relevant facts and circumstances, including the parties' collaboration in agreeing upon continued dates. Good cause existing therefore, the request is granted.

All dates are vacated. This matter is set as follows:

Mediation: May 3, 2016 at 1:30 PM to 4:30 PM, at
WACSEP Legal Division, 8036 Ocean View
Avenue, Whittier, CA 90602.

Prehearing Conference: May 13, 2016 at 1:00 PM.

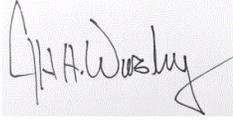
Though the parties requested concurrent prehearing conferences on this and the companion case of OAH no. 2016031206, the matters require the scheduling of separate conferences. However, the PHC administrative law judge may conference this matter with the companion case OAH no. 2016031206 at 10:00 AM, May 13, 2016, at the ALJ's discretion.

Due Process Hearing: May 26, 2016, at 9:30 AM the first day, and 9:00 AM each hearing day thereafter, continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. The hearing shall take place at WACSEP Legal Division, 8036 Ocean View Avenue, Whittier, CA 90602.

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 01, 2016

DocuSigned by:

3FFF1185C9F48D
CLIFFORD H. WOOSLEY
Administrative Law Judge
Office of Administrative Hearings