

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

WILLIAM S. HART UNION HIGH
SCHOOL DISTRICT AND SULPHUR
SPRINGS UNION SCHOOL DISTRICT.

OAH Case No. 2016040847

[CORRECTED]¹ ORDER GRANTING
REQUEST FOR CONTINUANCE AND
SETTING MEDIATION, PREHEARING
CONFERENCE AND HEARING
DATES; CHANGE OF MEDIATION
AND HEARING LOCATION

On May 17, 2016, the parties filed a joint request to continue the initially set dates in this matter with the Office of Administrative Hearings to permit parents to view proposed placements.

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. Parties established good cause to permit Parents to visit proposed placements. This matter will be set as follows:

¹ Prior order corrected to add Sulphur Springs Union School District in the caption.

Mediation: May 25, 2016, at 9:30 AM
Prehearing Conference: September 19, 2016, at 10:00 AM
Due Process Hearing: September 27, 2016, at 9:30 AM, September 28 and 29, 2016, at 9:00 AM, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. Matter is assigned to Administrative Law Judge Sabrina Kong.

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.

Additionally, the parties agreed to change the location of the mediation and due process hearing to the following location:

William S. Hart Union High School District
21380 Centre Pointe Parkway
Santa Clarita, CA 91350

IT IS SO ORDERED.

DATE: May 18, 2016

DocuSigned by:
Peter Paul Castillo

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PETER PAUL CASTILLO
Presiding Administrative Law Judge
Office of Administrative Hearings