

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. TEMPLE CITY UNIFIED SCHOOL DISTRICT,	OAH Case No. 2016050409
TEMPLE CITY UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2016050649 ORDER GRANTING REQUEST FOR CONTINUANCE AND SETTING MEDIATION, PREHEARING CONFERENCE AND HEARING

On May 2, 2016, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2016050409, naming District. On May 13, 2016, District filed a Request for Due Process Hearing in OAH case number 2016050649, naming Student. On June 1, 2016, OAH granted Student's Motion to Consolidate the cases, designating Case Number 2016050409 as the primary case in the consolidated matters, and holding that the consolidated matters would proceed on the existing dates in Case Number 2016050409.

On June 17, 2016, the parties filed a joint first request to continue the dates in this consolidated matter with the Office of Administrative Hearings.

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. This matter will be set as follows:

Mediation:	August 23, 2016 at 9:30 AM
Prehearing Conference:	September 30, 2016 at 1:00 PM
Due Process Hearing:	October 18-20, 2016 at 9:30 AM first day, 9:00 AM each additional day, 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: June 17, 2016

DocuSigned by:

June Lehrman

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JUNE R. LEHRMAN

Presiding Administrative Law Judge
Office of Administrative Hearings