

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

SPENCER VALLEY ELEMENTARY  
SCHOOL DISTRICT AND CALIFORNIA  
VIRTUAL ACADEMIES, SAN DIEGO,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2015021015

ORDER FOLLOWING PREHEARING  
CONFERENCE; GRANTING JOINT  
REQUEST FOR CONTINUANCE AND  
SETTING PREHEARING  
CONFERENCE AND HEARING

On March 9, 2015, a telephonic prehearing conference was held before Administrative Law Judge Paul H. Kamoroff, Office of Administrative Hearings. Summer D'Allessandro, Attorney at Law, appeared on behalf of the Spencer Valley Elementary School District. Megan M. Moore and Barbara E. Hagberg, Attorneys at Law, appeared on behalf of the California Virtual Academy, San Diego. Student's mother appeared on behalf of Student. The PHC was recorded.

On February 27, 2015, Spencer Valley and California Virtual Academies jointly submitted a request to continue the hearing based upon the unavailability of counsel for California Virtual Academies. Student did not oppose the motion.

On March 6, 2015, Student submitted a request to continue the hearing. Spencer Valley and California Virtual Academies did not oppose the motion.

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:	To be determined by the parties.
Prehearing Conference:	6/01/2015 at 1:00 p.m.
Due Process Hearing:	6/10/2015; 6/11/2015, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. The hearing shall begin at 9:30 a.m. on the first day of hearing, and at 9:00 a.m. on all other days, unless otherwise ordered.

IT IS SO ORDERED.

DATE: March 9, 2015

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PAUL H. KAMOROFF  
Administrative Law Judge  
Office of Administrative Hearings