

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

SANTA CRUZ CITY SCHOOLS,

v.

PARENT ON BEHALF OF STUDENT,

OAH Case No. 2016030462

PARENT OF BEHALF OF STUDENT,

v.

SANTA CRUZ CITY SCHOOLS AND
SANTA CRUZ COUNTY OFFICE OF
EDUCATION.

OAH Case No. 2015120042

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

On March 24, 2016, the parties filed a joint request to continue the dates in this matter. The parties asked to continue the matter because Santa Cruz City Schools and Santa Cruz County Office of Education are on spring break the week currently scheduled for hearing; the attorney for SCCS will be out of town and unavailable; the party representatives for SCCS and SCCOE will be out of town and unavailable; and Student's expert witness is unavailable during the scheduled hearing dates.

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).) The Office of Administrative Hearings 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. The fact that the hearing is scheduled during SCCS' and SCCOE's spring break is not good cause for a continuance. However, the unavailability of the attorney, party representatives and witnesses does constitute good cause. The parties requested dates are granted with the exception of May 2, 2016, which is the first Monday of the month and is not an available date for hearing. This matter will be set as follows:

Mediation:	April 13, 2016, at 9:30 a.m.
Prehearing Conference:	April 18, 2016, at 3:00 p.m.
Due Process Hearing:	May 3, 2016, at 9:30 a.m., May 4, 2016, at 9:00 a.m., and May 5, 2016, at 9:00 a.m., 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: March 25, 2016

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MARGARET BROUSSARD
Presiding Administrative Law Judge
Office of Administrative Hearings