BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

COLTON JOINT UNIFIED SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NUMBER 2019090121

ORDER FOLLOWING PREHEARING CONFERENCE GRANTING CONTINUANCE AND SETTING PREHEARING CONFERENCE AND DUE PROCESS HEARING

On September 23, 2019, Administrative Law Judge Rommel P. Cruz, Office of Administrative Hearings held a telephonic prehearing conference. The Office of Administrative Hearings will be referred to as OAH.

Attorney Jim Sanft appeared on behalf of Colton Joint Unified School District. Mother appeared on behalf of Student. Mother was assisted by certified Spanish interpreter Giovanna Wormsbecker. The prehearing conference was recorded.

Based upon the discussion with the parties, the Administrative Law Judge issues the following order:

MOTION TO AMEND COMPLAINT AND CONTINUANCE

On September 18, 2019, Colton Joint Unified filed a Motion to Amend the Due Process Hearing Request and an amended complaint. At the prehearing conference, Mother indicated that she received a copy of the Motion to Amend the Due Process Hearing Request and the amended complaint. However, the motion and the amended complaint were in English. She is unable to read the motion and amended complaint in English and requires the motion and amended complaint to be translated into Spanish.

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. OAH considers all relevant facts and circumstances in determining whether good cause exists to grant an extension. (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:

Prehearing Conference will be held on October 14, 2019, at 10:00 AM. Colton Joint Unified has filed a prehearing conference statement, and therefore, need not file a statement unless changed circumstances warrant it. Student's prehearing conference statement and any prehearing conference motion by the parties shall be filed no later than three business days prior to the prehearing conference or with evidence of good cause as to why it was not possible to timely file the motion.

Due Process Hearing will be held on October 22, 23, and 24, 2019. The hearing shall begin at 9:30 AM the first day, and at 9:00 AM on all other days unless otherwise

ordered. The hearing shall continue day to day, 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 their availability to testify. Good cause for witness unavailability is not established by failing to properly notify or subpoena a witness.

OAH will serve Parents with a Spanish translated copy of Colton Joint Unified's Motion to Amend the Due Process Hearing Request and the amended complaint. Parents shall have three days from the date of service of the Spanish translation to file a response to the motion with OAH.

IT IS SO ORDERED.

DATED: September 23, 2019

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Rommel P. Cruz
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Rommel P. Cruz
Administrative Law Judge
Office of Administrative Hearings