BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. RIALTO UNIFIED SCHOOL DISTRICT.	OAH Case No. 2017010159 ORDER FOLLOWING PREHEARING CONFERENCE, GRANTING JOINT REQUEST FOR CONTINUANCE AND SETTING MEDIATION, PREHEARING CONFERENCE AND DUE PROCESS HEARING

On February 6, 2017, a telephonic prehearing conference was held before Administrative Law Judge Christine Arden, Office of Administrative Hearings. Carolyn Olson, Attorney at Law, and Hamlet Yarijanian, advocate, appeared on behalf of Student. Laura Chism, East Valley SELPA program manager appeared on behalf of Rialto Unified School District.

Based upon discussion with the parties, the ALJ issues the following order:

1. Joint Request for Continuance. The presently scheduled date for the due process hearing is February 14, 2017. The parties estimate it will take three days to complete the due process hearing. At the pre-hearing conference representatives for both parties made a joint request for a continuance of the Mediation, Pre-hearing Conference and Due Process Hearing. This is the first request for continuance sought in this matter by either party.

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: March 7, 2017 at 9:30 AM

Prehearing Conference: March 20, 2017 at 1:00 PM

Due Process Hearing: March 28, 2017, at 9:30 AM, and March 29 and 30, 2017 at 9:00 AM, 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: February 6, 2017

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CHRISTINE ARDEN
Administrative Law Judge
Office of Administrative Hearings