BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2016061098
v.	ORDER GRANTING REQUEST FOR CONTINUANCE AND SETTING FURTHER DATES FOR HEARING AND APPEARANCE PURSUANT TO SUBPOENA
EAST SIDE UNION HIGH SCHOOL DISTRICT AND SANTA CLARA COUNTY OFFICE OF EDUCATION.	

The due process hearing in this matter is now calendared to resume on October 4, 5, 6, 18, 19, 24, and 25, 2016. On October 3, 2016, the parties jointly filed a request to continue the dates in this matter, based upon the unavailability of Eliza J. McArthur, attorney for the East Side Union High School District, on October 4, 5, and 6, 2016. The request is supported by a declaration from Ms. McArthur describing a medical emergency in her family that will preclude her appearance on those dates. All parties have stipulated to vacating October 4, 5, and 6, 2016 as 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).) 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. The hearing dates of October 4, 5, and 6, 2016, are vacated. The hearing dates of October 20 and 27, 2016, are added to the calendar for the hearing. The due

process hearing is now set for October 18, 19, 20, 25, 26, and 27, 2016, and continuing from day to day, as needed in the discretion of the ALJ.

The appearance under subpoena of the witness Mario Guerrero, now set for October 6, 2016, is vacated, and Mr. Guerrero is ordered to appear instead at 1:30 PM on October 20, 2016. Student shall confirm that appearance with Mr. Guerrero, or serve a new subpoena if required.

IT IS SO ORDERED.

DATE: October 03, 2016

DocuSigned by:
Charles Marson
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CHARLES MARSON
Administrative Law Judge
Office of Administrative Hearings