BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: BARSTOW UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2017040083 ORDER GRANTING DISTRICT'S MOTION FOR CONTINUANCE, SETTING PREHEARING CONFERENCE AND HEARING.

On June 12, 2017, Barstow Unified School District filed a motion to continue the hearing, scheduled for June 14 and 15, 2017. The Office of Administrative Hearings contacted Parent, who stated she opposed the motion and would file a written opposition, but no response has been filed.[1]

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).)

District's motion includes exhibits and the declaration of District's attorney, Vivian Billups. Ms. Billups is presently in hearing on an unrelated due process matter. The administrative law judge therein has ordered that hearing to be extended beyond June 14, 2017, and to continue until completed. Additionally, District's attorney is scheduled for a medical procedure on June 22, 2017, and will be on medical leave until July 31, 2017.

[1] Parent was informed that she needed to file a response by 3:00 p.m., Tuesday, June 13, 2017.

District's motion requests that the hearing be continued August 9 and 10, 2017. OAH has reviewed the request for continuance and considered all relevant facts and circumstances. Good cause existing, the motion is granted.

All dates are vacated. This matter is set as follows:

Prehearing Conference:	**July 31, 2017 at 1:00 PM**
Due Process Hearing:	**August 9 and 10, 2017**, at 9:30 AM the first day, and 9:00 AM each hearing day thereafter, continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: June 13, 2017

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CLIFFORD H. WOOSLEY
Administrative Law Judge
Office of Administrative Hearings