BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: BELLFLOWER UNIFIED SCHOOL DISTRICT , v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2018120367 ORDER GRANTING JOINT REQUEST FOR CONTINUANCE AND SETTING PREHEARING CONFERENCE AND HEARING

On December 11, 2018, Bellflower Unified School District filed a due process hearing request with the Office of Administrative Hearings, naming Student. On December 12, 2018, OAH issued a scheduling order setting the prehearing conference in this matter for December 24, 2018, and hearing on January 3, 2019. On December 21, 2018, Bellflower and Student filed a joint request to continue the prehearing conference date and hearing dates in this matter with the Office of Administrative Hearings. The parties made their request on grounds that Bellflower's attorneys had scheduled pre-paid vacations on December 24, 2018 and January 3, 2019, and were unavailable for a PHC or hearing on those dates, and Bellflower administrators and necessary witnesses also would be unavailable for hearing on January 3, 2018 due to pre-paid vacations. The parties jointly requested that OAH continue the PHC in this matter to February 8, 2019 at 10:00 a.m., and the hearing to February 19, 20, and 21, 2019.

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:

Prehearing Conference:	February 8, 2018, at 10:00 a.m.
Due Process Hearing:	February 19-21, 2019, at Bellflower's Administration Offices located at 16703 South Clark Avenue, Bellflower, CA 90706. The hearing shall start at 1:30 p.m. on February 19, 2019, and at 9:00 a.m. on all other days, unless otherwise ordered, and continue 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: December 21, 2018

DocuSigned by:

ROBERT G. MARTIN
Administrative Law Judge
Office of Administrative Hearings