BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

MORGAN HILL UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021040203

ORDER GRANTING CONTINUANCE OF DUE PROCESS HEARING

MAY 28, 2021

On April 5, 2021, Parents on behalf of Student filed a due process hearing request with the Office of Administrative Hearings, called OAH, naming Morgan Hill Unified School District as respondent. The due process hearing will take place on June 2 and 3, 2021, and continue day to day at the discretion of the administrative law judge.

On May 26, 2021, Student requested that the June 4, 2021, hearing date conclude at 1:00 p.m., to enable Student's counsel to attend her child's high school graduation ceremony. On May 27, 2021, Morgan Hill filed non-opposition to Student's request.

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. (34 C.F.R. § 300.515(a); Ed.Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) Speedy resolution of the

due process hearing is mandated by law and continuance of the hearing may be granted only upon a showing of good cause. (Ed. Code, § 56505, subd. (f)(3).) In ruling upon a motion for continuance, OAH is guided by the provisions found within the Administrative Procedure Act and the California Rules of Court that concern motions to continue. (Cal. Code Regs.,tit. 1, § 1020;Cal. Rules of Court, rule 3.1332.) Generally, continuances of matters are disfavored. (Cal.Rules of Court, rule 3.1332(c).)

OAH reviewed Student's request and considered all relevant facts and circumstances. Student established good cause for an early recess on June 4, 2021. However, the undersigned administrative law judge does not conduct half-day hearings and is additionally unavailable from June 7 through June 11, 2021. Thus, the due process hearing is set as follows.

The June 2 and 3, 2021, hearings dates will remain on calendar as previously ordered.

The due process hearing will be continued after the conclusion of hearing day two, June 3, 2021, to 9:30 a.m., on June 14, 2021.

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

Cynthia Fritz

Cynthia Fritz
Administrative Law Judge
Office of Administrative Hearings