BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2019050500
v.	ORDER FOLLOWING PREHEARING CONFERENCE, AND CONTINUING PREHEARING CONFERENCE AND HEARING
OXNARD UNION HIGH SCHOOL DISTRICT.	

On June 24, 2019, a telephonic prehearing conference was held before Administrative Law Judge Robert G. Martin, Office of Administrative Hearings. Attorney Scott Ayers appeared on behalf of Student. Attorney Lee Rideout appeared on behalf of Oxnard Union High School District. The PHC was recorded.

Based on discussion of the parties, the ALJ issues the following order:

1. Parties' Joint Request to Schedule Mediation and for Continuance. Student filed his due process hearing request in this matter on May 10, 2019. OAH set the matter for hearing on July 2, 2019, and it has not been continued previously.

On June 19, 2019, Oxnard filed a timely request to continue the hearing in this matter to a date after August 26, 2019. Oxnard made its motion on grounds that eight witnesses, including members of Student's IEP team who participated in the IEPs at issue in this matter, were unavailable on the scheduled hearing date due to jury duty or previously-planned vacations. Also on June 19, 2019, Student's counsel settled an unrelated matter that had been set for hearing in August, 2019. On June 24, 2019, at 11:27 a.m., the parties jointly filed a stipulation to continue the hearing of this matter to August 19, 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).)

Oxnard has shown good cause to continue the hearing of this matter due to the unavailability of key witnesses on the initially-set hearing date, and the parties have shown good cause for the late filing of their stipulation to a continued hearing date. The parties' stipulation is granted, and the PHC and hearing continued, as follows:

Telephonic Prehearing Conference:	August 12, 2019 at 1:00 p.m.
Due Process Hearing:	August 20-22, 2019, commencing at 9:30 a.m. on August 20, 2019, and at 9:00 a.m. all other days, unless otherwise ordered, and continuing day to day as needed at the discretion of the Administrative Law Judge. The hearing shall take place at Oxnard Union High School District, 309 South K Street, Oxnard, CA 93030.

IT IS SO ORDERED.

DATE: June 24, 2019

DocuSigned by:

ROBERT G. MARTIN
Administrative Law Judge
Office of Administrative Hearings