BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: CHAFFEY JOINT UNION HIGH SCHOOL DISTRICT, v. PARENTS ON BEHALF OF STUDENT.	OAH Case No. 2018050543 ORDER FOLLOWING PREHEARING CONFERENCE; ORDER GRANTING CONTINUANCE AND SETTING PREHEARING CONFERENCE AND DUE PROCESS HEARING

On May 25, 2018, a telephonic prehearing conference was held before Administrative Law Judge Rommel Cruz, Office of Administrative Hearings. Jonathan P. Read, Attorney at Law, appeared on behalf of Chaffey Joint Union High School District. Student's father appeared on behalf of Student. The PHC was recorded.

Based upon discussion with the parties, the ALJ issues the following order:

1. Continuance. Student moved to continue the due process hearing and reschedule the prehearing conference to allow Student additional time to obtain legal representation. Student is being assisted by a non-attorney advocate. District opposed the continuance 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 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. If Student retains counsel, Student's father shall inform counsel of the below dates, and that matter will proceed on those dates absent exceptional good cause. This matter will be set as follows:

Prehearing Conference:	**July 9, 2018, at 10:00 a.m**. As the parties have already filed their PHC statements, no additional PHC statements need be filed unless changed circumstances so require.
Due Process Hearing:	**July 17, 18, and 19, 2018**, at 9:30 a.m. on the first day, and at 9:00 a.m. on all other days, and continuing day to day, Monday through Thursday, as needed at the discretion of the ALJ.

2. Settlement. The parties shall inform OAH in writing immediately should they reach a settlement or otherwise resolve the dispute before the scheduled hearing. In addition, if a settlement is reached within five days of the scheduled start of the due process hearing, the parties shall also inform OAH of the settlement by telephone at (916) 263-0880. The parties should email the signature page of the signed agreement or a letter withdrawing the case to the OAH at https://www.applications.dgs.ca.gov/oah/oahsftweb.

IT IS SO ORDERED.

DATE: May 25, 2018

DocuSigned by:
Rommel P. Cruz
A2ABEEDA0DF9847...

ROMMEL P. CRUZ
Administrative Law Judge
Office of Administrative Hearings