BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2018050541
v.	ORDER GRANTING CONTINUANCE
ANTIOCH UNIFIED SCHOOL DISTRICT.	

The due process hearing in this matter convened on October 23, 2018. The matter was continued and scheduled to reconvene on Tuesday, October 30, 2018. On Monday, October 29, 2018, Christian Knox, Student's attorney, submitted a request on behalf of both attorneys to convene a telephonic status conference to discuss an unexpected scheduling issue or in the alternative vacate the next scheduled hearing day. Administrative Law Judge Cynthia Fritz was unavailable and the undersigned Presiding Administrative Law Judge convened a telephonic status conference in her absence. Christian Knox appeared on Student's behalf. Kidd Crawford appeared on Antioch Unified School District's behalf.

Ms. Knox represented that Student was diagnosed with a medical condition over the weekend and was taken into surgery this afternoon. Parents are unable to attend hearing on October 30, 2018, but have given consent for Ms. Knox to proceed in their absence beginning on Wednesday. Accordingly, a request for a one day continuance was made. In light of the circumstances, Antioch did not oppose the request for a continuance.

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).)

The request to grant a one-day continue of the matter to Wednesday, October 31, 2018, is GRANTED. The matter will commence at **9:30 AM, on Wednesday, October 31, 2018**. Any additional scheduling matters can be presented to ALJ Fritz when the hearing reconvenes.

IT IS SO ORDERED.

DATE: October 29, 2018

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Joy Redmon
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JOY REDMON
Presiding Administrative Law Judge
Office of Administrative Hearings