BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: BONSALL UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT,	OAH Case No. 2016080681
PARENT ON BEHALF OF STUDENT, v. BONSALL UNIFIED SCHOOL DISTRICT.	OAH Case No. 2016070664 ORDER FOLLOWING PREHEARING CONFERENCE; GRANTING REQUEST FOR CONTINUANCE; SETTING PREHEARING CONFERENCE AND DUE PROCESS HEARING

On October 10, 2016, a telephonic prehearing conference was held before Administrative Law Judge Paul H. Kamoroff, Office of Administrative Hearings. Cara C. Lucier, Attorney at Law, appeared on behalf of Parent and Student. Deborah G. Cesario, Attorney at Law, appeared on behalf of Bonsall Unified School District. The PHC was recorded.

At the beginning of the prehearing conference, District requested a continuance based upon several grounds, including that Student's attorney and District's attorney were each scheduled to attend the due process hearing for OAH case number 2016090241, previously set by OAH for hearing dates that conflict with hearing dates for the present matter. Student did not oppose District'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 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:	November 18, 2016, at 1:00 p.m.[1]
Due Process Hearing:	November 29 and 30, December 1, 6 , 7, 8, 13 and 14, 2016, and continuing day-to-day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. The hearing shall commence at 9:30 a.m. on the first day of hearing, and at 9:00 a.m. on each subsequent day, unless otherwise ordered.

IT IS SO ORDERED.

DATE: October 10, 2016

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Paul H. Kamoroff
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PAUL H. KAMOROFF
Administrative Law Judge
Office of Administrative Hearings

[1] The parties shall meet and confer regarding the scheduling of witnesses, by close of business on November 16, 2016.