BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. BALDWIN PARK UNIFIED SCHOOL DISTRICT,	OAH Case No. 2016060925
BALDWIN PARK UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2016050319 ORDER GRANTING CONTINUANCE AND SETTING PREEHARING CONFERENCE AND HEARING

On May 6, 2016, District filed a Due Process Hearing Request (District's complaint) with the Office of Administrative Hearings, naming Student. The hearing was scheduled for June 1, 2016. On May 27, 2016, a telephonic prehearing conference was held and a continuance granted to a hearing date beginning August 23. On June 20, 2016, Student filed a Due Process Hearing Request (Student's complaint), naming District. On August 2, 2016, the matters were consolidated and the August 23 hearing date confirmed. On August 11, 2016, Student's Motion to Amend (Student's amended complaint) was granted and the timeline for the hearing rescheduled in accordance with Student's amended complaint, such that the hearing was scheduled for the current prehearing conference date of September 2, 2016 and the current hearing date of September 7, 2016. On August 29, 2016, the parties requested leave to delay the filing of their PHC statements, and on August 30, 2016, they filed a joint request to continue the prehearing conference date to September 19, 2016 at 3:00 P.M. and the hearing dates to September 27-29, 2016, stating no reasons for the 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. Although no reasons are stated for the request, and although this matter has been continued, consolidated and amended and thus subject to several previous delays, the requested continuance is brief and would result in a hearing date approximately 120 days from the original hearing date. It is therefore granted.

PHC: September 19, 2016 at 3:00 P.M.
DPH: September 27-29, 2016, at 9:30 A.M. first day, 9:00 A.M. each additional day, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: August 30, 2016

DocuSigned by:
June Lehrman
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JUNE R. LEHRMAN
Presiding Administrative Law Judge
Office of Administrative Hearings