BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. HUNTINGTON BEACH CITY SCHOOL DISTRICT,	OAH Case No. 2016040336
HUNTINGTON BEACH CITY SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2016090420 ORDER GRANTING REQUEST FOR CONTINUANCE AND SETTING PREHEARING CONFERENCE AND HEARING

On April 1, 2016, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing naming Huntington Beach City School District, in OAH Case No. 2016040336 (Student's Case). The matter was set for hearing in late May. The matter was first continued upon the parties' joint request on May 17, 2016, to begin hearing in early August. It was continued for a second continuance on August 1, 2016 at a prehearing conference at which the parties requested a second continuance, this time to hearing dates in late September.

On September 9, 2016, District filed a Request for Due Process Hearing, naming Student, in OAH Case No. 2016090420.

On September 16, 2016, Student's Motion to Amend the complaint in Student's Case was granted and all dates in Student's case re-set, to the current date starting November 10, 2016.

On September 23, 2016, the parties filed a Joint Motion to Consolidate District's case, No. 2016090420, with Student's Case. The request was granted and the November 10 hearing date in Student's Case was confirmed for the consolidated cases.

On September 30, 2016, the parties filed a joint request to continue the hearing from November 10 to November 29, 2016.

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:

OAH has reviewed the request for good cause and the request is:

☒ Granted. All dates are vacated. However, given the age of this matter and prior proceedings since the original April 1, 2016, filing date of Student's Case, no further continuances are contemplated. This matter will be set as follows:

Prehearing Conference:	November 18, 2016 at 10:00 AM
Due Process Hearing:	November 29-December 1, 2016 at 9:30 AM first day, 9:00 AM each additional day, and continuing day to day, Monday through Thursday, as needed at the discretion of the ALJ.

IT IS SO ORDERED.

DATE: September 30, 2016

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