BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

PLEASANT VALLEY SCHOOL DISTRICT.

OAH CASE NUMBER 2021040386

ORDER GRANTING REQUEST FOR CONTINUANCE OF DUE PROCESS HEARING

MAY 28, 2021

On May 27, 2021, Pleasant Valley School District filed with the Office of Administrative Hearings, referred to as OAH, a request to continue this matter based on the unavailability of its counsel. This matter is scheduled for hearing on June 2 and 3, 2021. Pleasant Valley's counsel began a different due process hearing before OAH on May 25, 2021. The afternoon of May 26, 2021, OAH ordered Pleasant Valley's counsel to appear for additional hearing dates on June 3 and 4, 2021. These dates conflict with the hearing schedule for the present matter. At the time of this Order, OAH had not received a response from Student.

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. (Ed. Code, § 56505, subd. (f)(3); 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 or imposing conditions on the continuance; and any other relevant fact or circumstance. (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. The Due Process Hearing will be held on June 15, 16, and 17, 2021. The hearing shall begin at 9:30 AM on all days unless otherwise ordered. The hearing shall continue day to day, as needed at the discretion of the Administrative Law Judge.

The parties shall immediately notify all potential witnesses of the hearing dates, and shall subpoena witnesses if necessary, to ensure their availability to testify. Good

cause for witness unavailability is not established by failing to properly notify or subpoena a witness.

IT IS SO ORDERED.

Theresa Ravandi

Theresa Ravandi
Administrative Law Judge
Office of Administrative Hearings