BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. ALTA LOMA SCHOOL DISTRICT,	OAH Case No. 2017120979
ALTA LOMA SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2017120261 ORDER GRANTING REQUEST FOR CONTINUANCE AND SETTING HEARING DATES

This matter is set for hearing on April 2, 3, 4 and 10, 2018. On April 2, 2018, Student filed a request to continue the dates in this matter with the Office of Administrative Hearings, based upon his attorney's ongoing hearing in OAH Case No. 2017080513, and the attorney's resulting unavailability to begin the hearing in the instant matter. Counsel states she is available the week of April 9, 2018, but does not have proposed dates for the requested 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).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Granted. All hearing dates are vacated. This matter will be set as follows:

Due Process Hearing:	April 10, 2018 at 9:30 AM, April 11, 2018 at 9:00 AM, and April 12, 2018 at 9:00 AM, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

In the event the hearing in OAH Case No. 2017080513 continues into the week of April 9, 2018, the parties are to submit a joint request for continuance requesting dates for the continued hearing.

The parties shall immediately notify all potential witnesses of the hearing dates, and shall subpoena witnesses if necessary, to ensure that the witnesses will be available to testify. A witness will not be regarded as unavailable for purposes of showing "good cause" to continue the hearing if the witness is not properly notified of the hearing date or properly subpoenaed, as applicable.

IT IS SO ORDERED.

DATE: April 02, 2018

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Ted Mann
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TED MANN
Administrative Law Judge
Office of Administrative Hearings