BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

CABRILLO POINT ACADEMY,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NUMBER 2022010227

ORDER DENYING STUDENT'S REQUEST FOR CONTINUANCE AND GRANTING REQUEST TO UPLOAD EXHIBITS INTO CASE CENTER

APRIL 13, 2022

On April 8, 2022, Parents on behalf of Student filed with the Office of Administrative Hearings, referred to as OAH, a request to continue this matter, based upon their inability to upload exhibits into Case Center. No response was received from Cabrillo Point Academy.

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 continuance for good cause and considered all relevant facts and circumstances. The request is:

Denied. All hearing dates are confirmed and shall proceed as calendared. The continuance request is denied on the basis Student did not show good cause for a continuance and did not inform OAH at the March 25, 2022 prehearing videoconference of any conflicts with the scheduled hearing dates.

Student's request to upload her exhibits into Case Center, previously called CaseLines, is granted. Student shall upload her exhibits into Case Center, including any recordings of individualized education program recordings, no later than 5 PM on April 15, 2022. Please refer to the General Order OAH issued with the Scheduling Order that contains the Order Setting Procedures for Filing Exhibits Electronically. You may

also refer to the Quick Start guide on the OAH website at: https://www.dgs.ca.gov/OAH/Case-Types/Special-Education/Self-Help/Electronic-Submission-of-Witness-Lists-and-Evidence-Through-Caselines. If after reviewing the Quick Start guide and using the Case Center Resources you still are in need of assistance, please contact OAH at OAHSEops@dgs.ca.gov.

Student's request to admit recordings of Student's individualized education program shall be determined by the Administrative Law Judge at the time of hearing. Please refer to the March 25, 2022 Order Following Prehearing Videoconference for Hearing by Videoconference under the section Recordings as Exhibits for the conditions for offering recordings as exhibits.

IT IS SO ORDERED.

Jennifer Kelly

Jennifer Kelly
Administrative Law Judge
Office of Administrative Hearings