BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. PANAMA-BUENA VISTA UNIFIED SCHOOL DISTRICT.	OAH CASE NO. 2014100290 ORDER GRANTING REQUEST FOR CONTINUANCE OF EXPEDITED HEARING

At the December 12, 2014 Prehearing Conference in this matter, Student's attorney Nicole Hodge Amey moved to continue the expedited hearing date, which the Office of Administrative Hearings denied on that date. On December 15, 2014, Ms. Amey, on behalf of Student, filed a request to continue the expedited hearing dates to January 6, 2015, based upon the death of a parent of her husband. The Panama-Buena Vista Unified School District submitted an opposition on December 16, 2014.

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.) However, when a matter is filed as an expedited due process hearing on a disciplinary matter must occur within 20 school days of receipt of the due process complain, with a decision within 10 days of the expedited hearing. (20 U.S.C. § 1415(k)(4)(B).) There is no provision of law authorizing the continuance of an expedited hearing.

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

☒ Granted. Ms. Amey established good cause for a continuance with her declaration regarding the death of a parent of her husband, even though she did not submit proof to substantiate this claim, or the two federal court matters cited in her declaration. Accordingly, the expedited hearing is continued to the 20th school day, January 6, 2015, to commence at 9:30, and also for January 7 and 8, 2015, at 9:00 a.m. By 5:00 p.m., on December 29, 2015, Ms. Amey shall submit to OAH and Panama-Buena Vista documentary proof of the passing of a parent of her husband and

the federal court matters mentioned in her declaration. Failure to timely submit the requested documentation may subject Ms. Amey to further sanctions.

IT IS SO ORDERED.

DATE: December 16, 2014

/S/

PETER PAUL CASTILLO
Presiding Administrative Law Judge
Office of Administrative Hearings