BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: DUBLIN UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT	OAH Case No. 2017120716 ORDER GRANTING REQUEST FOR CONTINUANCE AND SETTING PREHEARING CONFERENCE AND HEARING

On January 15, 2018, Student filed a request to continue the dates in this matter with the Office of Administrative Hearings, based upon the unavailability of Student's expert witness. Proof of service on counsel for Dublin Unified School District was attached to the request indicating service on January 14, 2018, to two email addresses for the law firm. No opposition to the request was received from Dublin.

A previous continuance requested by Dublin was granted. Pursuant to that request, new dates were scheduled in March on dates preferred by Parents so they could arrange for both Parents to be available for the hearing and on the basis that their expert was not available in February.

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; 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; 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. HOWEVER, no further continuances shall be

granted absent extraordinary circumstances. All previously scheduled dates are VACATED.

The new dates are as follows:

Prehearing Conference:	**March 26, 2018 at 1:00 p.m.**
Hearing:	**April 3, 4, and 5, 2018**, then continuing from day to day 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 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: January 25, 2018

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Penelope S. Pahl
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PENELOPE S. PAHL
Administrative Law Judge
Office of Administrative Hearings