BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT

V.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NUMBER 2023030716

ORDER GRANTING JOINT REQUEST FOR CONTINUANCE, SETTING PREHEARING CONFERENCE AND DUE PROCESS HEARING

MARCH 29, 2023

On March 21, 2023, Santa Monica-Malibu Unified School District filed a request for due process naming Parent on behalf of Student. The Office of Administrative Hearing, called OAH, scheduled a prehearing conference for April 3, 2023, and the due process hearing for April 11, 12, and 13, 2023.

On March 28, 2023, the parties filed a joint request for continuance of the hearing, supported by three declarations. During the scheduled hearing, a necessary witness will be recovering from surgery and Santa Monica-Malibu's special education director will be attending a pre-planned, prepaid professional conference out of state.

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; 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. (Cal. Rules of Court, rule 3.1332(d).)

The parties have established good cause for a short continuance of the due process hearing. They have consulted and agreed upon proposed continued hearing dates. This is the matter's first continuance.

The request is granted. All previously scheduled dates are vacated. The new dates are:

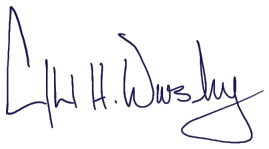
PREHEARING CONFERENCE will be held on May 1, 2023, at 1:00 PM.

DUE PROCESS HEARING will be held on May 9, 10, and 11, 2023.

ANY CHANGES TO THE PARTICIPANTS' EMAIL ADDRESSES PROVIDED BY THE PARTIES IN THEIR REQUEST MUST BE FILED TWO BUSINESS DAYS BEFORE THE SCHEDULED EVENT.

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. Prehearing conference statements and motions are due to OAH no later than three business days before the prehearing conference or with a showing of good cause why it was not possible to file the motion by that date.

IT IS SO ORDERED.



Clifford H. Woosley
Administrative Law Judge
Office of Administrative Hearings