BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

# IN THE CONSOLIDATED MATTERS INVOLVING:

# PARENT ON BEHALF OF STUDENT,

# and

# REDONDO BEACH UNIFIED SCHOOL DISTRICT,

# OAH CASE NUMBER 2024080334

# OAH CASE NUMBER 2024070777

# ORDER FOLLOWING PREHEARING CONFERENCE

# GRANTING REQUEST FOR CONTINUANCE

NOVEMBER 18, 2024

On November 18, 2024, Administrative Law Judge Christine Arden, Office of Administrative Hearings, called OAH, held a telephonic prehearing conference. The Administrative Law Judge will be referred to as an ALJ. The prehearing conference will be referred to as a PHC.

Deanna Sweeney, Attorney at Law, appeared on behalf of Student. Shiksha Patel, Attorney at Law, appeared on behalf of Redondo Beach Unified School District. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

## DISTRICT'S PENDING MOTION TO CONTINUE, AND HEARING DATES, TIMES, AND LOCATION

Redondo Beach Unified School District filed a motion to continue the PHC to November 25, 2025, and to continue the due process hearing to December 3, 2024, through December 5, 2024, based on the grounds that five of the witnesses it intends to call to testify at hearing will be unavailable to testify because they will be travelling out of town during the currently scheduled hearing dates of November 26, 2024, through November 27, 2024. Redondo Beach Unified School District will be closed during the week of November 25, 2024, through November 29, 2024, for the Thanksgiving holiday.

The motion was timely filed three days prior to the PHC. Student did not file an opposition to the motion.

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).)

The unavailability of five witnesses Redondo Beach Unified School District intends to call to testify at hearing during the currently scheduled hearing dates constitutes good cause for the requested brief continuance. Therefore, the request for continuance is granted for good cause. All previously scheduled dates are vacated. The case shall proceed as follows:

PREHEARING CONFERENCE will be held on November 25, 2024, at 1:00 PM.

All other prehearing matters shall be addressed at the November 25, 2024, 1:00 PM PHC. All prehearing motions must be filed three business days before the PHC.

DUE PROCESS HEARING will be held on December 3, 2024, through December 5, 2024.

The hearing will be conducted via telephone or videoconference and shall begin at 9:30 AM and end at 3:30 PM on all days, unless otherwise ordered. The hearing shall continue day to day at the discretion of the ALJ.

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.

## SETTLEMENT

The parties shall immediately inform OAH in writing if they reach a settlement or otherwise resolve the dispute before the scheduled hearing. If the parties reach a settlement within five days of the scheduled start of the due process hearing, the parties shall also inform OAH of the settlement by telephone at (916) 263-0880.

If a full and final written settlement agreement is reached after 5:00 PM the day before the hearing, the parties shall leave a voicemail message regarding the settlement at (916) 274-6035. The parties should also leave contact information such as cellular phone numbers of each party or counsel for each party. At the same time, the parties should send the signature page of the signed agreement or a letter withdrawing the case to OAH at https://www.applications.dgs.ca.gov/oah/oahsftweb.

Dates for hearing will not be cancelled until the letter of withdrawal or signature page of the signed agreement has been received by OAH. If an agreement in principle is reached, the parties should plan to attend the scheduled hearing unless different arrangements have been agreed upon by the assigned ALJ. The assigned ALJ will check for messages before the hearing.

If the matter settles subject to board approval, in addition to a signed copy of the signature page of the settlement agreement, the parties shall provide the date of the next board meeting. The hearing dates will not be cancelled without this information.

## FAILURE TO COMPLY

Failure to comply with this order may result in the exclusion of evidence or other sanctions.

## ORDER INCLUDES ALL RULINGS

This order includes all ruling made at the PHC.

## IT IS SO ORDERED.

*Christine Arden*

Christine Arden

Administrative Law Judge

Office of Administrative Hearings