BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
PARENT ON BEHALF OF STUDENT,	OAH CASE NO. 2014110367
v.	ORDER FOLLOWING PREHEARING CONFERENCE, CONTINUING PREHEARING CONFERENCE AND HEARING
GARVEY SCHOOL DISTRICT.	

On April 13, 2015, a telephonic prehearing conference was held before Administrative Law Judge Clifford H. Woosley, Office of Administrative Hearings. Attorney Carolyn J. Olson Gross appeared on behalf of Student. Attorney Geoffrey R. Winterowd appeared on behalf of Garvey School District. The PHC was recorded.

District's Request for a Third Continuance

Student filed this matter on October 30, 2014. Attorney Leah Smith initially represented District. On November 17, 2014, OAH granted the parties' joint request for a continuance. On February 5, 2015, OAH granted the second joint continuance request and set the matter for hearing for April 21, 22 and 23, 2015, with the Prehearing Conference scheduled for 1:00 p.m., on April 13, 2015. On April 3, 2015, attorney Sharon A. Watt substituted in as District's legal counsel. On April 7, 2015, attorney Watt requested continuance of the hearing to September 1, 2015, based upon her late substitution and impacted calendar. OAH denied District's continuance on April 8, 2015, because District did not establish good cause for a continuance.

On April 10, 2015, District filed another continuance request, providing additional information why Ms. Watt is unavailable until September 1, 2015. OAH denied this request, noting that Ms. Watt's late substitution is not good cause for continuing the hearing to September 1, 2015, with a decision being issued a year or more after the complaint's filing. Presiding Judge Peter Paul Castillo indicated that Ms. Watt may request a short continuance at the scheduled April 13, 2015 prehearing conference.[1]

Attorney Winterowd renewed District's request for a continuance. ALJ Woosley listened to the argument of the parties' counsel.

[1] Student filed oppositions to both of District's requests for continuance. However, OAH denied the continuance requests before the oppositions were received.

District has not demonstrated good cause for a continuance of hearing to September 2015, but has shown good cause for a short continuance because of the retention of new counsel. The parties were given time to discuss new hearing dates before the end of the 2014-2015 school year.

The parties indicated that the only possible dates that are workable their respective calendars are in the last week of District's school year. District could not agree to earlier dates because the District's counsel for hearing, Ms. Sharon Watt, is on vacation until April 28, 2015. ALJ Woosley cautioned Mr. Winterowd that District will be expected to produce its employees as witnesses on a timely basis, despite the hearing being in the last week of school.

Absent extraordinary circumstances, no further continuance will be granted.

Therefore, good cause appearing for a continuance, the prehearing conference and hearing are continued as follows:

Prehearing Conference:	May 22, 2015, at 1:00 PM.
Due Process Hearing:	June 2, 3, and 4, 2015, commencing at 9:00 AM, except for the first day, which will commence at 9:30 AM. The hearing shall continue day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. The hearing shall take place at Garvey School District, 2730 N. Del Mar Ave., Rosemead, CA 91770.

IT IS SO ORDERED.

DATE: April 13, 2015

/s/

CLIFFORD H. WOOSLEY
Administrative Law Judge
Office of Administrative Hearings