BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: GLENDORA UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2018110712 ORDER FOLLOWING PREHEARING CONFERENCE, GRANTING STUDENT'S MOTION TO CONTINUE PREHEARING CONFERENCE AND HEARING

On February 22, 2019, a telephonic prehearing conference was held before Administrative Law Judge Clifford H. Woosley, Office of Administrative Hearings. Lyndsey M. Wrape, attorney at law, appeared on behalf of Glendora Unified School District. Mother appeared on behalf of Student. The PHC was recorded.

Based upon discussion with the parties, the ALJ issues the following order:

1. Student's Motion for Continuance.

Mother made a motion to continue the hearing for a few weeks because of her father's illness and the completion of an assessment by Student's doctor. Glendora Unified opposed, indicating that Student is not in school and further delay would be to the Student's detriment. Hearing was recently delayed when Glendora Unified filed an amended complaint on February 4, 2019.

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; 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 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; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

Here, Mother is the power of attorney for her father, who is hospitalized. Also, Student's doctor will be completing an evaluation to be introduced at hearing. Student has

demonstrated good cause for a continuance. After some discussion, the parties agreed about dates for a short continuance, which is after Glendora Unified's spring break.

The motion to continue is granted. All dates are vacated. This matter is set as follows:

Prehearing Conference:	**April 5, 2019, at 10:00 AM**
Due Process Hearing:	**April 16, 17, and 18, 2019, at 9:30 AM the first day of hearing and 9:00 AM each hearing day thereafter,** continuing day to day, needed at the discretion of the Administrative Law Judge. The hearing shall take place at **Glendora USD, 500 N. Loraine Avenue, Glendora, CA 91741.**

Since the hearing has been continued, Etiwanda withdrew its motion for telephonic testimony of a witness.

IT IS SO ORDERED.

DATE: February 22, 2019

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CLIFFORD H. WOOSLEY
Administrative Law Judge
Office of Administrative Hearings