BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. ANTIOCH UNIFIED SCHOOL DISTRICT.	OAH Case No. 2018050541 ORDER SETTING CONTINUED HEARING DATES AND LOCATIONS

This hearing commenced on October 23, 2018, and continued to October 24 and 31, 2018. On October 31, 2018, Christian Knox, Student's counsel, requested that the hearing continue to November 8, 2018, at the Office of Administrative Hearings Oakland Office, due to exigent circumstances.

Ms. Knox represented that Student was unexpectedly taken into surgery on October 29, 2018. Student's hospital discharge date is unknown at this time and Parents are with Student in Oakland. Because of this, counsel requested that the hearing continue to November 8, 2018, for Mother's testimony, and also requested that the hearing location change to Oakland OAH, for convenience to Mother. Antioch did not oppose the request but did not agree that Antioch witnesses appear in Oakland, and proposed a second continued hearing date in Antioch for the remaining witnesses. Antioch's counsel also represented that he is unavailable on November 9, 2018, due to an IEP meeting in another matter.

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. (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; 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).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request to continue the hearing to GRANTED. This matter will commence at **9:30 a.m., on November 8, 2018,** in the OAH Oakland office, located at 1515 Clay Street, Suite 206, Oakland, California 94612. Since this matter takes precedent over an IEP meeting, the second continued hearing date is **9:30 a.m., on November 9, 2018,** at the Antioch district office, located at 510 G Street, Antioch, California 94509.

IT IS SO ORDERED.

DATE: November 1, 2018

DocuSigned by:
Cynthia Fritz
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CYNTHIA FRITZ
Administrative Law Judge
Office of Administrative Hearings