BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

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| In the Matter of:<br><br>NEWPORT-MESA UNIFIED SCHOOL DISTRICT,<br><br>v.<br><br>PARENT ON BEHALF OF STUDENT. | OAH Case No. 2016090104<br><br>ORDER FOLLOWING PREHEARING CONFERENCE; GRANTING CONTINUANCE AND SETTING PREHEARING CONFERENCE AND DUE PROCESS HEARING |

On September 19, 2016, a telephonic prehearing conference was held before Administrative Law Judge Paul H. Kamoroff, Office of Administrative Hearings. S. Daniel Harbottle, Attorney at Law, appeared on behalf of Newport-Mesa Unified School District. Student's mother did not appear.[1] The PHC was recorded.

At the beginning of the PHC, District requested to continue the PHC and due process hearing, based upon District being unable to locate Mother, a desire to meet and confer with Mother, and a need for additional time to find and contact her for that purpose.

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

[1] The undersigned Administrative Law Judge, along with OAH staff, made several attempts to contact Mother, but was unable to do so.

circumstances. The request is granted. All dates are vacated. This matter will be set as follows:

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| Prehearing Conference: | November 28, 2016, at 3:00 p.m. |
| Due Process Hearing: | December 6 and 7, 2016, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. The hearing shall commence at 9:30 a.m. on the first day of hearing, and at 9:00 a.m. on each subsequent day, unless otherwise ordered. |

IT IS SO ORDERED.

DATE: September 19, 2016

DocuSigned by:
Paul H. Kamoroff
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PAUL H KAMOROFF
Administrative Law Judge
Office of Administrative Hearings