BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

BELLFLOWER UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2020030673

ORDER GRANTING REQUEST FOR CONTINUANCE OF DUE PROCESS HEARING

AUGUST 3, 2020

On August 3, 2020, Parent on behalf of Student and Bellflower Unified School District filed a joint request to continue this matter based upon the unavailability of Bellflower Unified's counsel and representative, who are expected to be in another hearing on an earlier filed case scheduled on the same dates. Parties jointly request to continue this matter to October 6, 7, and 8, 2020, and to reschedule the prehearing conference.

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).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The parties have demonstrated good cause to continue this matter based on the unavailability of Bellflower Unified's counsel and representative, who are scheduled for another hearing on an earlier filed case set on the same dates. Therefore, the request is granted. All dates are vacated. This matter will be set as follows:

Prehearing Conference will be held on September 25, 2020, at 1:00 PM. The Prehearing Conference will occur by videoconference.

Due Process Hearing will be held on October 6, 7, and 8, 2020. The hearing will occur by videoconference. The hearing shall begin at 9:30 AM on all days unless

otherwise ordered. The hearing shall continue day to day, as needed at the discretion of the Administrative Law Judge.

The parties shall immediately notify all potential witnesses of the hearing dates, and shall subpoena witnesses if necessary, to ensure their availability to testify. Good cause for witness unavailability is not established by failing to properly notify or subpoena a witness. Prehearing conference statements and motions are due to OAH no later than three business days before the prehearing conference or with evidence of good cause why it was not possible to file the motion by that date.

IT IS SO ORDERED.

DocuSigned by:
Rommel P. Cruz
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Rommel P. Cruz

Administrative Law Judge

Office of Administrative Hearings