BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2017010159
v.	ORDER GRANTING CONTINUANCE TO JUNE 13, 2017
RIALTO UNIFIED SCHOOL DISTRICT.	

On June 7, 2017, the special education due process hearing commenced. Student was represented by Parent. Rialto Unified School District was represented by Vivian Billups, Attorney at Law. The hearing continued to June 8, 2017. At the beginning of the hearing on June 8, 2017, Parent stated she was not feeling well but wanted to continue with the hearing. The undersigned Administrative Law Judge called for a lunch recess at 12:15 p.m., and the parties were to return at 1:20 p.m. During the recess Parent informed the Office of Administrative Hearings that she was ill and needed to go to urgent care. At 1:10 p.m. the undersigned ALJ went back on the record with District present to continue the matter to June 13, 2017.

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).)

Absent medical documentation from Parent, this hearing will recommence on Tuesday, June 13, 2017, at the Rialto Unified School District Office located at 324 North

Palm Avenue, Room S3[1], Rialto, California 92376. The hearing will continue day to day at the discretion of the ALJ.[2]

IT IS SO ORDERED.

DATE: June 08, 2017

DocuSigned by:
Peter Paul Castillo for
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LINDA JOHNSON
Administrative Law Judge
Office of Administrative Hearings

[1] Room S3 is a different room that what was used on June 7 and 8, 2107, therefore District took the witness binders to place them in a locked room until the hearing recommences.

[2] If District's attorney needs to continue OAH Case No. 2017040083, so this hearing may be completed, she shall work with the parent in that matter on new hearing dates and direct such a continuance request to OAH.