BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. TAHOE TRUCKEE UNIFIED SCHOOL DISTRICT.	OAH Case No. 2018100935 ORDER VACATING HEARING DATES AND SETTING CONTINUED HEARING DATES

Administrative Law Judge Cynthia Fritz heard this matter in Truckee, California, on December 12 and 13, 2018. On December 13, 2018, the hearing was continued to December 18, 19, and 20, 2018.

As of the morning of December 17, 2018, the Office of Administrative Hearings was unable to procure a certified Spanish interpreter for the above continued dates.

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; 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 finds good cause to continue this matter. All hearing dates are vacated. The hearing is continued to **January 8, 9, and 10, 2019, at 9:00 a.m.** in order to obtain a certified Spanish interpreter for the continued hearing.

The parties shall immediately notify all potential witnesses of the hearing dates, and shall subpoena witnesses if necessary, to ensure that the witnesses will be available to testify. A witness will not be regarded as unavailable for purposes of showing "good cause" to

continue the hearing if the witness is not properly notified of the hearing date or properly subpoenaed, as applicable.

Based upon the discussions between the parties at the hearing, attached is a copy of the English and Spanish subpoena document. Parents may prepare the English version for witness Troy Tickle for January 9, 2019. It is permissible for Parents to bring the completed subpoena on the 8th for my signature.

Parents are not presently represented by counsel. OAH has a handbook for the public that provides guidance for special education due process hearings which can be found at https://www.documents.dgs.ca.gov/oah/SE/Handbook.4.5.18.pdf. Parents are encouraged to consult this document.

IT IS SO ORDERED.

DATE: December 17, 2018

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