BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. GROSSMONT UNION HIGH SCHOOL DISTRICT.	OAH Case No. 2017061027 ORDER FOLLOWING PREHEARING CONFERENCE; ORDER GRANTING JOINT REQUEST TO CONTINUE PREHARING CONFERENCE AND DUE PROCESS HEARING DATES; ORDER DISMISSING DISTRICT'S REQUEST TO CHANGE DUE PROCESS HEARING LOCATION

On September 18, 2017, a telephonic prehearing conference was held before Administrative Law Judge Vernon Bogy, Office of Administrative Hearings. Amanda Johnston, Attorney at Law, appeared on behalf of District. Jennifer Varga, Attorney at Law, appeared on behalf of Student. The PHC was recorded.

Based upon discussion with the parties, the ALJ issues the following order:

1. Parties' Joint Request for Continuance. On September 18, 2017, the parties filed a joint request for continuance of the prehearing conference and due process hearing dates, based upon unavailability of counsel due to a currently scheduled continued hearing, OAH Case No. 2017041132, on the same dates as presently set for the due process hearing in this matter. On August 1, 2017, OAH granted Student's first request for continuance, which was based on unavailability for hearing of Student's Parent due to work obligations.

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, and finds that the interests of justice are served by the continuance. The request is granted. All dates are vacated. This matter will be set as follows:

Prehearing Conference:	October 23, 2017 at 10:00 a.m.
Due Process Hearing:	November 1, 2017 at 9:30 a.m., and November 2, 2017 at 9:00 a.m. and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. Parties may discuss Friday hearing date at the commencement of the hearing.

2. District's Request to Change Hearing Location. On August 14, 2017, District filed a request to change hearing location, based on District's inability to provide a hearing location on the originally scheduled hearing dates which complies with OAH's requirements for hearing rooms. District requested that the location of the hearing be changed to OAH's hearing facility located at 1350 Front Street, Suite 3005, San Diego, California 92101. Student did not oppose District's request. During the prehearing conference, District's attorney advised the ALJ that if the hearing is continued to the dates set forth above, District would be able to provide a hearing room which complies with OAH's requirements. Accordingly, District's request to change hearing location is dismissed as moot.

IT IS SO ORDERED.

DATE: September 19, 2017

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Vernon Bogy
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VERNON BOGY
Administrative Law Judge
Office of Administrative Hearings