BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: BALDWIN PARK UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2016050319 ORDER FOLLOWING PREHEARING CONFERENCE, SETTING MEDIATION AND CONTINUING PREHEARING CONFERENCE AND HEARING

On May 27, 2016, a telephonic prehearing conference was held before Administrative Law Judge Clifford H. Woosley, Office of Administrative Hearings. Jabari Willis, Attorney at Law, appeared on behalf of Baldwin Park Unified School District. Lisa Dennis, Attorney at Law, appeared on behalf of Student. The PHC was recorded.

Based on discussion of the parties, the ALJ issues the following order:

Parties' Request For First Continuance. On May 18, 2016, Parents filed a request for a first continuance of the PHC and hearing because Parents were in the process of obtaining legal counsel. On May 23, 2016, District filed a motion to continue the mediation, prehearing conference, and hearing. On May 23, 2016, Administrative Law Judge Marc Levine denied the parties' request for continuance because the parties had not communicated in an attempt to reach mutually agreeable continuation dates. District filed a request for reconsideration of its continuance motion on May 24, 2016; OAH advised the parties the motion would be addressed at the prehearing conference of May 27, 2016. On May 26, 2016, Student filed notice of representation by the Law Offices of Abraham A. Labbad,

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 substitution of an attorney when the substitution is required in the interests of justice. (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. (See Cal. Rules of Court, rule 3.1332(d).)

At the prehearing conference, Ms. Dennis indicated that Parents were agreeable to the dates suggested by District in its motion. Accordingly, District's motion for reconsideration is granted. Upon reconsideration of all relevant facts and circumstances, including the parties' collaboration in agreeing upon continued dates, District's motion and Student's request for continuance is granted.

All dates are vacated and this matter will be set as follows:

Mediation:	June 21, 2016, at 9:30 a.m.
Prehearing Conference:	August 15, 2016, at 10:00 a.m.
Due Process Hearing:	August 23, 24, and 25, 2016, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. The first day of hearing shall commence at 9:30 a.m.; all remaining hearing days shall begin at 9:00 a.m.

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.

IT IS SO ORDERED.

DATE: May 27, 2016

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CLIFFORD H. WOOSLEY
Administrative Law Judge
Office of Administrative Hearings