BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: GLENDORA UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2018110712 ORDER GRANTING JOINT MOTION FOR CONTINUANCE AND SETTING PREHEARING CONFERENCE AND DUE PROCESS HEARING

On April 29, 2019, the parties filed a joint motion to continue the hearing for a few weeks to enable necessary witnesses to appear at the hearing. Glendora Unified separately filed the declarations of its attorney and its director of student services. Hearing was recently continued to May 21, 22, 23, 2019, on Parent's motion because of a family emergency. However, necessary witnesses cannot appear for the unexpected new hearing 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; substitution of an attorney when the substitution is required in the interests of justice; 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 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).)

Here, Glendora Unified is unable produce certain necessary witnesses for the presently scheduled hearing dates. Parent acknowledged the situation and agreed to a short continuance. The parties have demonstrated good cause.

The joint motion to continue is granted. All dates are vacated. This matter is set as follows:

Prehearing Conference:	**May 24, 2019, at 1:00 PM**
Due Process Hearing:	**June 4, 5, and 6, 2019, at 9:30 AM the first day of hearing and 9:00 AM each hearing**

day thereafter, continuing day to day, needed at the discretion of the Administrative Law Judge.

The hearing shall take place at **Glendora USD, 500 N. Loraine Avenue, Glendora, CA 91741.**

IT IS SO ORDERED.

DATE: April 29, 2019

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CLIFFORD H. WOOSLEY
Administrative Law Judge
Office of Administrative Hearings