

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

WEST CONTRA COSTA UNIFIED
SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2013110786

ORDER FOLLOWING PREHEARING
CONFERENCE

On December 13, 2013, a telephonic prehearing conference (PHC) was held before Administrative Law Judge (ALJ) Rebecca Freie, Office of Administrative Hearings (OAH). Shaun Olson Brown, Attorney at Law, appeared on behalf of West Contra Costa Unified School District (District). Mother appeared on behalf of Student for part of the PHC.¹ The PHC was recorded.

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

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).)

¹ Mother did not initially answer her telephone when the ALJ called to convene the PHC. However, she subsequently did so when the ALJ made another attempt to call her, made a lengthy statement about why she wanted the District to dismiss the case, and then hung up before the conclusion of the PHC.

Mother indicated that Student will be attending school in another school district and she does not understand why the District is pursuing this action. The District indicated that once it had evidence that Student was attending school in another school district, it would file a motion to dismiss this matter. Therefore, the ALJ, *sua sponte*, continued the PHC to 1:00 p.m. on Monday, December 16, 2013, to permit the District time to obtain the necessary information that will allow it to dismiss this case.

IT IS SO ORDERED.

Dated: December 13, 2013

/s/

REBECCA FREIE
Administrative Law Judge
Office of Administrative Hearings