

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

SAN JOAQUIN COUNTY OFFICE OF
EDUCATION and MANTECA UNIFIED
SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2014040906

ORDER FOLLOWING PREHEARING
CONFERENCE AND GRANTING
REQUEST FOR CONTINUANCE AND
SETTING MEDIATION, PREHEARING
CONFERENCE AND HEARING

On May 5, 2014, a telephonic prehearing conference (PHC) was held before Administrative Law Judge Rebecca Freie, of the Office of Administrative Hearings. Rod Levin, Attorney at Law, appeared on behalf of the San Joaquin County Office of Education (San Joaquin). Roger Goatcher, Director of Special Education of Manteca Unified School District (Manteca) appeared for Manteca. Parent appeared on behalf of Student. Noe Fajardo, OAH clerk and certified interpreter, interpreted for Parent. The PHC was not recorded.

On April 24, 2014, Parent filed a request to continue the dates for mediation, PHC and hearing. On April 30, 2014, San Joaquin filed a request to continue the hearing due to a scheduling conflict. During the PHC, Parent's explained that she needed a continuance because she was trying to find an attorney to represent Student. Neither San Joaquin nor Manteca opposed Parent's request.

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).) The Office of Administrative Hearings 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).)

The requests for continuance have been reviewed the request for good cause and all relevant facts and circumstances were considered. The request is:

☒ Granted. All dates are vacated. This matter will be set as follows:

Mediation:	June 3, 2014, at 9:30 a.m.
Prehearing Conference:	August 4, 2014, at 1:00 p.m. ¹
Due Process Hearing:	August 13, 2014 at 9:30 a.m., and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

The mediation and hearing shall be at San Joaquin's offices at 2707 Transworld Drive, Stockton, California 95206. The PHC shall be telephonic with the assigned Administrative Law Judge initiating the call.

IT IS SO ORDERED.

DATE: May 6, 2014

/s/

REBECCA FREIE
Administrative Law Judge
Office of Administrative Hearings

¹ The Administrative Law Judge told the parties that the PHC would begin at 10:00 a.m. However, PHC's are not set for the morning of the first Monday of each month, so the PHC is now being set to begin at 1:00 p.m.