

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

HIGH TECH HIGH INTERNATIONAL,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2014050946

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
PREHEARING CONFERENCE AND
DUE PROCESS HEARING

On June 6, 2014, Parents, on behalf of Student, filed with the Office of Administrative Hearings (OAH) a request to continue and reset the initially scheduled hearing dates in the case, based upon the poor health of one parent, and the desire to retain an attorney to represent them in this due process proceeding. On June 11, 2014, High Tech High International, through counsel, filed with OAH an opposition to this 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).) 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. The request is granted. All dates are vacated. Here, there is good cause, in that both parents have a right to participate in the due process proceeding, and Student's request is to continue the initially scheduled dates in the case. This matter will be set as follows:

Mediation:	To be determined by the parties.
Prehearing Conference:	09/15/2014, at 1:00 p.m.

Due Process Hearing: 09/23/2014; 09/24/2014; 09/25/2014, and
continuing day to day, Monday through Thursday,
as needed at the discretion of the Administrative
Law Judge.

IT IS SO ORDERED.

DATE: June 11, 2014

/s/

TIMOTHY L. NEWLOVE
Presiding Administrative Law Judge
Office of Administrative Hearings