

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

CELERITY EDUCATIONAL GROUP,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2014050842

ORDER FOLLOWING PREHEARING
CONFERENCE, AND GRANTING
REQUEST FOR CONTINUANCE OF
DUE PROCESS HEARING AND
CHANGE OF LOCATION OF DUE
PROCESS HEARING, AND
CONTINUING PREHEARING
CONFERENCE

On August 4, 2014, a telephonic prehearing conference was held before Administrative Law Judge (ALJ) Eileen Cohn, Office of Administrative Hearings (OAH). Hollis Peterson, Attorney at Law, appeared on behalf of Celerity Educational Group (Charter School). No appearance was made on behalf of Student, who is represented by his Mother. Mother did not answer the telephone number she designated as her contact number in her May 27, 2014, facsimile communication to OAH. Prior to the prehearing conference, Charter School filed a request for a short one week continuance and change of hearing location from the school site to its administration building. Mother did not file any response to Charter School's request. At the prehearing conference Charter School explained the necessity for the short continuance to accommodate a witness, and the need to change the hearing location because classes will be in session at the school site. Charter School also reaffirmed its previous request for a Portuguese-language interpreter for the prehearing conference and due process hearing. The prehearing conference was recorded by OAH and Charter School's request for a continuance, including the continued dates for the prehearing conference and the due process hearing, was also recorded on Mother's answer machine.

Request for Continuance is Granted. 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. This matter will be set as follows:

Prehearing Conference: August 11, 2014, 1:00 p.m. (The prehearing conference is continued to provide an opportunity for Mother to appear and participate in the proceedings.)

Due Process Hearing: August 18, 2014, 1:30 p.m., August 19, 2014, 9 a.m., and continuing day to day, Monday through Thursday, as needed, at the discretion of the Administrative Law Judge

Request to change location of hearing is granted. Having established that the requested hearing location is reasonably convenient to the Mother, the hearing shall take place at 2069 West Slauson Avenue, Los Angeles, California 90047.

IT IS SO ORDERED.

DATE: August 04, 2014

/s/
EILEEN COHN
Administrative Law Judge
Office of Administrative Hearings