

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

ANAHEIM CITY SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2014080315

ORDER FOLLOWING PRE-HEARING
CONFERENCE

On August 25, 2014, a telephonic prehearing conference (PHC) was held before Administrative Law Judge Joy Redmon, Office of Administrative Hearings. Attorney Lauri Arrowsmith appeared on Anaheim City School District's (Anaheim) behalf. Parent appeared on Student's behalf. A Spanish language interpreter provided translation services for Parent. The PHC was recorded.

Request to Continue: On August 18, 2014, Anaheim submitted a written request to delay the hearing's start from September 2 to September 3, 2014, due to witness unavailability. Student did not oppose the request to continue but indicated she was not available on September 3 due to childcare issues and requested the matter be set farther out. This was interpreted as a joint request to continue the due process hearing scheduled for September 2, 2014.

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).)

The parties established good case to continue the due process hearing.

ORDER

1. Joint request for continuance is granted.
2. Dates currently set for due process hearing are vacated.
3. Matter is now scheduled as follows:

Telephonic prehearing conference: Friday, October 24, 2014, at 1:00 PM

Due process hearing: Tuesday, November 4, 2014, from 9:30 AM-5:00 PM,
Wednesday, November 5, 2014, from 9:00 AM-5:00 PM
and day-to-day thereafter, Monday through Thursday at
the discretion of the ALJ.

IT IS SO ORDERED.

DATE: August 25, 2014

/s/

JOY REDMON

Administrative Law Judge

Office of Administrative Hearings