

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

CAMPBELL UNION HIGH SCHOOL
DISTRICT.

OAH Case No. 2014090127

ORDER FOLLOWING PREHEARING
CONFERENCE, CONTINUING
PREHEARING CONFERENCE AND
DUE PROCESS HEARING

On November 10, 2014, a telephonic prehearing conference (PHC) was held before Administrative Law Judge Charles Marson, Office of Administrative Hearings. F. Richard Ruderman, Attorney at Law, appeared on behalf of Student. Eliza J. McArthur, Attorney at Law, appeared on behalf of the Campbell Union High School District. The PHC was recorded.

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

1. Motion for Continuance. At the outset of the PHC, the parties jointly moved for a continuance of the PHC and hearing on the grounds that the matter is now set for a single day, but is expected to take six days; the conflicting litigation calendars of counsel do not permit agreement on six consecutive dates until March 2015; and Mr. Ruderman will be on vacation in the second week of March. The hearing dates set herein were agreed to by the parties.

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).)

All dates are vacated. The matter will be set as follows:

Prehearing Conference:	March 2, 2015, at 3:00 p.m.
Due Process Hearing:	March 17, 18, 19, 23, 24, and 25, 2014, starting at 9:30 a.m. on March 17, and at 1:30 p.m. on March 23, 2015, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

2. All Other Matters Deferred to Continued PHC. All other matters are deferred to the continued PHC on March 2, 2014.

IT IS SO ORDERED.

Dated: November 10, 2014

/s/

CHARLES MARSON
Administrative Law Judge
Office of Administrative Hearings