

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

NEW JERUSALEM ELEMENTARY
SCHOOL DISTRICT AND DELTA
CHARTER SCHOOL.

OAH Case No. 2014100258

ORDER FOLLOWING PREHEARING
CONFERENCE

On November 24, 2014, a telephonic prehearing conference was held before Administrative Law Judge Joy Redmon, Office of Administrative Hearings. Attorney Reyanthony Panlilio appeared on Student's behalf. Attorney Marcella Gutierrez appeared on New Jerusalem Elementary School District and Delta Charter School's behalf. The PHC was recorded.

Motion to Continue:

At the outset of the PHC, Student made a motion to continue the due process hearing in this matter due to his attorney's unavailability on the previously scheduled hearing dates.

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).)

Good cause was established to grant the motion to continue. Student's attorney is scheduled to be in another hearing that was scheduled prior to this hearing and New Jerusalem and Delta did not oppose the motion to continue. Further, New Jerusalem and Delta asserted that the parties are close to reaching a final settlement agreement. Additionally, no previous continuances have been granted in this case.

This matter is now set as follows: PHC on Friday, March 6, 2015, at 10:00 AM
DPH on March 17, 2015, 9:30 AM-5:00 PM, and
March 18, 2015, 9:00 AM-5:00 PM, and day-to-day
thereafter Monday through Thursday at the discretion
of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: November 24, 2014

/s/

JOY REDMON

Administrative Law Judge

Office of Administrative Hearings