

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

ETIWANDA SCHOOL DISTRICT.

OAH Case No. 2014120716

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

On December 8, 2014, Parents on behalf of Student filed with the Office of Administrative Hearings a Request for Due Process Hearing, naming the Etiwanda School District. On January 15, 2015, District filed a request to continue the dates in this matter. Student did not submit an opposition.<sup>1</sup>

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:

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<sup>1</sup> On January 16, 2015, District filed a motion to quash subpoena duces tecum. The new hearing dates void Student's subpoena duces tecum, as subpoenaed documents are to be provided on the first day of hearing. Thus, District's motion to quash subpoena duces tecum is moot.

☒ Granted. All dates are vacated. This matter will be set as follows:

|                        |                                                                                                                                                                                                                                                                                   |
|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Mediation:             | To be determined by the parties.                                                                                                                                                                                                                                                  |
| Prehearing Conference: | 4/13/2015 at 1:00 p.m.                                                                                                                                                                                                                                                            |
| Due Process Hearing:   | 4/21/2015; 4/22/2015; 4/23/2015, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. The hearing shall begin at 9:30 a.m. on the first day of hearing, and at 9:00 a.m. on all other days, unless otherwise ordered. |

IT IS SO ORDERED.

DATE: January 21, 2015

/s/

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PAUL H. KAMOROFF  
Administrative Law Judge  
Office of Administrative Hearings