

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

RIALTO UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2015050955

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

On June 29, 2015, a telephonic prehearing conference was held before Administrative Law Judge Clifford H. Woosley, Office of Administrative Hearings. Attorney Punam P. Grewal appeared on behalf of Student. Attorney Vivian E. Billups appeared on behalf of Rialto Unified School District, with East Valley SELPA Program Manager, Laura Chisholm. The PHC was recorded.

On June 25, 2015, District filed a motion to continue the due process hearing. The motion was considered at the prehearing conference.

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).)

District sought a five-week continuance, until after the beginning of the new school year, because necessary witnesses for hearing are unavailable during the summer break and District is unable to present them as requested by Student and needed by District. This is the first continuance. Good cause exists for the continuance. However, Ms. Grewal was

unavailable for District's requested dates. The parties then discussed and agreed upon continued hearing dates. Accordingly, District's motion to continue is granted as follows:

Prehearing Conference: 1:00 p.m., September 14, 2015 (telephonic)

Due Process Hearing: September 23, 24, 28, 29, and 30, 2015, beginning at 9:00 a.m., except for the first day, which will begin at 10:00 a.m. The hearing shall continue day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. The hearing shall take place at District's offices, 182 E. Walnut Avenue, Rialto, CA 92376.

IT IS SO ORDERED.

DATE: June 29, 2015

/s/

CLIFFORD H. WOOSLEY
Administrative Law Judge
Office of Administrative Hearings