

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

HEMET UNIFIED SCHOOL DISTRICT.

OAH Case No. 2015090860

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

On October 30, 2015, a telephonic prehearing conference was held before Administrative Law Judge Paul H. Kamoroff, Office of Administrative Hearings. Student's mother appeared on behalf of Student.¹ Peter Sansom, Attorney at Law, appeared on behalf of the Hemet Unified School District. The PHC was recorded.

At the beginning of the prehearing conference, Student submitted a request to continue the hearing. Student's motion is based upon his desire to attain an attorney to represent him in this matter. District opposed the request.

APPLICABLE LAW AND DISCUSSION

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

¹ Mother is advised that if she is representing Student, who is an adult, that she must possess his education rights, which can be accomplished with Student transferring his educational rights to Mother or otherwise approving of her representation of him. Education Code section 56041.5 provides that when a student reaches the age of 18, the student's educational rights transfer to the student.

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 granted.

ORDER

1. All dates previously set in OAH Case Number 2015090860 are vacated.

2. The matter shall be set as follows:

Prehearing Conference:	February 8, 2016, at 1:00 p.m.
Due Process Hearing:	February 17 and 18, 2016, 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.

DATE: October 30, 2015

/s/

PAUL H. KAMOROFF
Administrative Law Judge
Office of Administrative Hearings