

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

CALIFORNIA CONNECTIONS ACADEMY.

OAH CASE NUMBER 2021080880

ORDER DENYING REQUESTS TO CHANGE DUE PROCESS
HEARING REQUEST

NOVEMBER 09, 2021

On August 30, 2021, Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming California Connections Academy. The Office of Administrative Hearings is referred to as OAH. On September 22, 2021, OAH scheduled the due process hearing for October 12 through 14, 2021. At the October 4, 2021, prehearing conference, the hearing was ordered continued to November 9 and 10, 2021.

On October 13, 2021, OAH granted Student's motion to file a first amended complaint. OAH issued a new scheduling order, setting the due process hearing for December 7 through 9, 2021.

California Connections filed a notice of insufficiency on October 13, 2021. On October 15, 2021, OAH issued an Order determining that Issues Two, Three, and Four of Student's first amended complaint were insufficiently pled. Student was given 14 days to file an amended pleading regarding the insufficiently pled issues. Otherwise, the matter would go to hearing on Issue One, only, on November 9, 2021. The Order stated that new timelines would be set if Student chose to amend.

On November 1, 2021, OAH found that Student timely submitted a second amended complaint, that the second amended complaint was deemed filed, and that OAH would issue a new scheduling order. OAH scheduled the hearing for December 28 through 30, 2021.

STUDENT'S REQUESTS TO ADVANCE HEARING DATES

Student has filed multiple, consecutive requests seeking various, earlier hearing dates: motion to advance hearing dates on November 2, 2021; updated motion to advance hearing dates on November 3, 2021; a second updated request on November 4, 2021; two separate motions to change hearing dates on November 8, 2021; and updated motion to change hearing dates on November 8, 2021.

Student was aware that the filing of an amended complaint would reset the timelines for the hearing and result in a new scheduling orders. OAH is required to reset the timelines whenever an amended complaint is filed. (34 C.F.R. § 300.510(c); Ed. Code, § 56501.5, subd. (d).)

Student has not presented sufficient reasons or facts that demonstrate good cause to advance the hearing dates. Student's ability to present Student's case and seek appropriate remedies are not compromised if the hearing dates remain as scheduled.

Therefore, Student's requests to advance the presently scheduled hearing dates are denied.

JOINT REQUEST TO ADVANCE HEARING DATES

On November 8, 2021, the parties filed a joint request to continue the hearing dates to January 18, 2022. The parties did not request a mediation date. Student and California Connections signed the request on November 5, 2021.

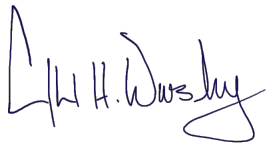
A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances 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. (Ed. Code, § 56505, subd. (f)(3); 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 or imposing conditions on the continuance; and any other relevant fact or circumstance. (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 denied. The parties do not provide any reason or facts that demonstrate good cause for a continuance. Also, Student's subsequently filed requests for advancing hearing dates indicate that Student does not agree to a hearing continuance.

PREHEARING CONFERENCE AND HEARING DATES ARE CONFIRMED

Presently, the prehearing conference is set for 1:00 PM, December 17, 2021. The due process hearing is set for December 28, 29, and 30, 2021. These dates are confirmed, and the matter shall proceed as calendared.

IT IS SO ORDERED.

A handwritten signature in blue ink, appearing to read "Clifford H. Woosley".

Clifford H. Woosley

Administrative Law Judge

Office of Administrative Hearings