

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
WEST COVINA UNIFIED SCHOOL DISTRICT,

V.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NUMBER 2022010122

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

MARCH 21, 2022

On January 4, 2022, West Covina Unified School District filed a Request for Due Process, referred to as a complaint, with the Office of Administrative Hearings, naming Student. The Office of Administrative Hearings is referred to as OAH.

On January 19, 2022, OAH granted the parties' request for mediation on January 25, 2022 and a continuance of the hearing to March 22 through 24, 2022.

On March 11, 2022, OAH granted West Covina's motion to amend the complaint and reset the prehearing conference for March 28, 2022 and the due process hearing for

April 5 through 7, 2022. OAH also ordered that any subsequent continuance requests had to establish good cause by declaration.

On March 21, 2022, the parties filed a joint request for a one-week continuance of the hearing because West Covina's counsel has pre-planned travel with her children during their spring break from April 6 through 8, 2022 and is therefore unavailable during that time. The request is supported by a declaration by West Covina's counsel.

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:

Granted. West Covina counsel's pre-planned travel plans from April 6 through 8, 2022 is good cause for the requested one-week continuance of the hearing and the joint request is supported by a declaration. All dates are vacated. This matter will be set as follows:

PREHEARING CONFERENCE will be held on April 1, 2022, at 10:00 AM.

DUE PROCESS HEARING will be held on April 12 through 14, 2022.

PARTICIPANT INFORMATION SHEETS FOR MEDIATION AND PREHEARING CONFERENCES MUST BE FILED TWO BUSINESS DAYS PRIOR TO THE DATE OF THE SCHEDULED EVENT.

ANY CHANGES TO THE PARTICIPANTS' EMAIL ADDRESSES PROVIDED BY THE PARTIES IN THEIR REQUEST MUST BE FILED TWO BUSINESS DAYS BEFORE THE SCHEDULED EVENT.

The hearing shall begin at 9:30 AM on all days unless otherwise ordered. The hearing shall continue day to day, as needed at the discretion of the Administrative Law

Judge. Prehearing conference statements and motions are due to OAH no later than three business days before the prehearing conference or with a showing of good cause why it was not timely filed.

IT IS SO ORDERED.

Laurie Gorsline

Laurie Gorsline

Administrative Law Judge

Office of Administrative Hearings