

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

SAN CARLOS SCHOOL DISTRICT.
OAH CASE NUMBER 2024020452

ORDER GRANTING MOTION FOR CONTINUANCE OF DUE
PROCESS HEARING

APRIL 10, 2024

On February 13, 2024, Parents on behalf of Student filed a due process hearing complaint with the Office of Administrative Hearings, called OAH, naming San Carlos School District. On February 22, 2024, OAH granted the parties' request for mediation and continued the due process hearing to April 2024.

On April 5, 2024, Student filed a motion for a due process hearing continuance to May 28, 2024, due to the unavailability of a party. The same day, San Carlos filed non-opposition to Student's motion to continue.

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; 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).)

Student's counsel established good cause for the continuance including the length of the continuance. Accordingly, Student motion for a continuance is granted. All dates are vacated. This matter will be set as follows:

PREHEARING CONFERENCE will be held on May 20, 2024, at 3:00 PM.

DUE PROCESS HEARING will be held on May 29, and 30, 2024.

Hearing will not be set earlier in the week due to the Memorial Day holiday. The hearing shall continue day to day, as needed at the discretion of the Administrative Law Judge.

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

The hearing shall begin at 9:30 AM on all days unless otherwise ordered.
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

A handwritten signature in cursive script that reads "Cynthia Fritz".

Cynthia Fritz

Administrative Law Judge

Office of Administrative Hearings