

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT .

OAH CASE NUMBER 2024020918

ORDER GRANTING REQUEST FOR VIDEOCONFERENCE
MEDIATION AND CONTINUANCE OF DUE PROCESS
HEARING

APRIL 26, 2024

On April 25, 2024, Student filed a request for continuance of the prehearing conference and due process hearing in this matter. Currently, the prehearing conference is scheduled to begin on April 26, 2024, at 10:00 AM, and the due process hearing is set for May 7, 2024. Due to a family emergency, Student is requesting a continuance of the prehearing conference to May 17, 2024, at 10:00 AM, and the due process hearing to begin On May 28, 2024. Student represents that West Contra Costa Unified School District agrees to the continuance.

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 established good cause for the late filed motion and continuance request. Accordingly, Student's request to continue the prehearing conference and due process hearing is granted. All dates are vacated. This matter will be set as follows:

PREHEARING CONFERENCE will be held on May 17, 2024, at 10:00 AM.

DUE PROCESS HEARING will be held on May 29 and 30, 2024. The request for May 28, 2024, is denied because the date is not available for hearing due to the Monday holiday.

PARTICIPANT INFORMATION SHEETS FOR MEDIATION AND PREHEARING CONFERENCES MUST BE FILED TWO BUSINESS DAYS BEFORE THE EVENT.

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

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

Cynthia Fritz

Administrative Law Judge

Office of Administrative Hearings