

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

FEATHER RIVER CHARTER SCHOOL.
OAH CASE NUMBER 2024050583

ORDER GRANTING SECOND REQUEST FOR
CONTINUANCE AND SETTING PREHEARING CONFERENCE
AND HEARING

JULY 30, 2024

On May 15, 2024, Parent, on behalf of Student, filed a request for due process hearing, also called a complaint, with the Office of Administrative Hearings, called OAH, naming Feather River Charter School as respondent. On May 29, 2024, the parties' joint request to schedule mediation and to continue the hearing dates was granted. The parties requested dates for hearing were allowed.

On May 23, 2024, Student filed a second request to continue the due process hearing. Student's counsel offered her declaration establishing pre-paid, out of state travel plans that, due to a calendaring error, did not appear on her calendar when she

requested the first continuance dates. Counsel's declaration represents that Feather River's counsel agrees to a continuance. The papers inform OAH that Feather River's counsel has a hearing conflict on September 24 through September 26, 2024. No information regarding the ordinal priority of that case was offered. Earlier filed cases have hearing priority before OAH. It is represented that Feather River counsel preferred a hearing date in October. However, no good cause was established to continue the case to October. Nor did the parties appear to meet and confer, or propose a specific hearing date for this continuance. The parties are informed that future requests that do not include conflicting case numbers or a proposed hearing date may be denied.

OAH must conduct a due process hearing and render a decision within 45 days of receipt of the due process notice unless an extension is granted. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) Speedy resolution of the due process hearing is mandated by law and continuance of the hearing may be granted only upon a showing of good cause. (Ed. Code, § 56505, subd. (f)(3).) In ruling upon a motion for continuance, OAH is guided by the provisions found within the Administrative Procedure Act and the California Rules of Court that concern motions to continue. (Cal. Code Regs., tit. 1, § 1020; Cal. Rules of Court, rule 3.1332.) Generally, continuances of matters are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

Student's counsel's pre-paid travel plans constitute good cause for a continuance. The request is granted. All previously scheduled dates are vacated. The new dates are:

PREHEARING CONFERENCE will be held on September 6, 2024, at 10:00 AM.

DUE PROCESS HEARING will be held on September 17, 18 and 19, 2024.

The prehearing conference, and due process hearing will be held by videoconference, unless otherwise ordered. The due process hearing will begin at 9:30

AM on all days, and generally end at 3:30 PM, unless otherwise ordered. The hearing will continue day to day, as needed, Mondays and Fridays included, 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. Late motions will only be considered if good cause is established for the late filing.

The parties must immediately give potential witnesses the hearing dates, and must subpoena witnesses, if necessary, so they are available to testify. Failing to properly notify or subpoena a witness is not good cause to delay the hearing.

IT IS SO ORDERED.

Penelope Pahl

Penelope S. Pahl

Administrative Law Judge

Office of Administrative Hearings