BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. FULLERTON SCHOOL DISTRICT,	OAH Case No. 2017090443
FULLERTON SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2017060283 AMENDED ORDER CONTINUING HEARING DATE

On October 19, 2017, the parties filed a joint request to continue the dates in this matter with the Office of Administrative Hearings. On October 20, 2017, OAH granted the parties' requested dates as follows: Mediation: November 28, 2017 at 9:30 AM; Prehearing Conference: January 22, 2018 at 1:00 PM; Due Process Hearing: February 7, 2018 at 9:30 AM. On November 15, 2017, the parties requested a different mediation date. By Order dated November 19, 2017, OAH granted the parties' new mediation date of December 20, 2017.

By this Order, all dates are confirmed except the February 7, 2017 hearing date, which the parties requested and which was granted, but which must now be amended because OAH is unavailable on that date.

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. (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).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Granted. This matter will be set as follows:

Mediation:	Remains December 20, 2017 (unchanged).
Prehearing Conference:	Remains January 22, 2018 at 1:00 PM (unchanged).
Due Process Hearing:	**February 14, 2017 at 9:30 a.m.** (New date. The parties' request of February 7, 2017, previously granted, is not available.) The hearing shall continue day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

The parties shall immediately notify all potential witnesses of the hearing dates, and shall subpoena witnesses if necessary, to ensure that the witnesses will be available to testify. A witness will not be regarded as unavailable for purposes of showing "good cause" to continue the hearing if the witness is not properly notified of the hearing date or properly subpoenaed, as applicable.

IT IS SO ORDERED.

DATE: November 30, 2017

DocuSigned by:
June Lehrman
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JUNE LEHRMAN
Administrative Law Judge
Office of Administrative Hearings