BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

GARDEN GROVE UNIFIED SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NUMBER 2023070868

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

SEPTEMBER 21, 2023

On September 20, 2023, Garden Grove Unified School District filed a second request to continue the due process hearing with the Office of Administrative Hearings, OAH. Student did not file a response.

Garden Grove contends the hearing should be continued because the attorney for Garden Grove has a conflict with due process hearing dates on another matter which was filed prior to this matter.

OAH must conduct a due process hearing and issue a decision within 45 days of receiving the due process complaint, unless an extension is granted. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) Resolving the due process hearing quickly is legally required. Hearings may only be continued if "good cause" is established. (Ed. Code, § 56505, subd. (f)(3).) OAH is guided by the Administrative Procedure Act and the California Rules of Court when ruling on continuance motions. (Cal. Code Regs., tit. 1, § 1020; Cal. Rules of Court, rule 3.1332.)

Generally, continuances are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

Garden Grove established good cause due to conflicting hearing dates with another matter OAH Consolidated Cases Nos. 2023030055/2023030089, which has priority for hearing over this matter. Further neither party will be prejudiced by a continuance. Student has not responded or participated in this matter since the complaint was filed on July 26, 2023.

The request is granted. All previously scheduled dates are vacated.

PREHEARING CONFERENCE will be held on November 20, 2023, at 3:00 PM.

DUE PROCESS HEARING will be held on November 28, through 30, 2023.

The prehearing conference, and due process hearing will be held by videoconference or telephone, 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.

No further continuances will be considered without a written declaration stating good cause for continuance.

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.

Judith Pasewark

Judith Pasewark
Administrative Law Judge
Office of Administrative Hearings