BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

V.

MAGNOLIA SCIENCE ACADEMY - SANTA ANA.

OAH CASE NUMBER 2023010808

ORDER GRANTING REQUEST FOR CONTINUANCE AND SETTING PREHEARING CONFERENCE AND HEARING

MARCH 16, 2023

On March 8, 2023, Parent on behalf of Student filed a request to continue the due process hearing with the Office of Administrative Hearings, called OAH. Magnolia Science Academy–Santa Ana did not file a response.

Parent seeks a continuance because Parent obtained a new job and Parent is required to attend training when the prehearing conference is scheduled on March 17, 2023. Parent attempted to get the time off to attend the prehearing conference, but Parent is a new hire and the training is mandatory. Parent seeks a short continuance of the hearing to April 11 through 13, 2023.

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. (Ed. Code, § 56505, subd. (f)(3); 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; 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. (Cal. Rules of Court, rule 3.1332(d).)

Student has established good cause to continue the due process hearing. Parent obtained new employment and, when made aware of the mandatory training schedule, timely filed the continuance request. Magnolia Science Academy–Santa Ana did not file opposition.

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

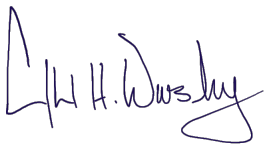
PREHEARING CONFERENCE will be held on April 3, 2023, at 3:00 PM.

DUE PROCESS HEARING will be held on April 11, 12, and 13, 2023.

ANY CHANGES TO THE PARTICIPANTS' EMAIL ADDRESSES PROVIDED BY THE PARTIES IN THEIR REQUEST MUST BE FILED TWO BUSINESS DAYS BEFORE THE SCHEDULED EVENT.

The hearing shall begin at 9:30 AM on all days unless otherwise ordered. The hearing shall 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 possible to file the motion by that date.

IT IS SO ORDERED.



Clifford H. Woosley
Administrative Law Judge
Office of Administrative Hearings