BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: BARSTOW UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2017040083 ORDER GRANTING STUDENT'S REQUEST FOR CONTINUANCE, SETTING PREHEARING CONFERENCE AND HEARING

Hearing in this matter was scheduled for August 9 and 10, 2017. On August 8, 2017, Student's Parent telephoned the Office of Administrative Hearings' Settlement Line and left a voice message around 1:10 p.m. Parent stated that she had a family emergency, could not attend the hearing that was set to begin the following day, and requested that the hearing be rescheduled. OAH staff did not retrieve Parent's voice message until the early morning of August 9, 2017, shortly before the scheduled start of the hearing. .

Administrative Law Judge Clifford H. Woosley convened the hearing as scheduled. Attorney Vivian Billups appeared on behalf of District. Desert/Mountain SELPA Program Manager, Denise Edge, and District's Pupil Services' Director II, Joni James, were also present. Mother did not appear.

The ALJ informed the attendees of Parent's voice message and the request that the hearing be continued because of a family emergency. OAH staff was unable to reach Parent regarding her request.to continue the hearing. The ALJ informed District, for the reasons set forth on the record, that OAH did not want to proceed with the hearing when Parent indicated she intended to represent Student at the hearing but is unable appear because of a family emergency. District indicated that it did not want to proceed in light of Parent's request, wanted Parent to have reasonable opportunity to be present for the hearing, and proposed new dates for hearing.

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).)

Since Parent represented that she was in the midst of a family crisis, and District was not opposed to a relatively short continuance to give Parent the opportunity to attend the hearing, good cause exists and the Parent's request to continue is granted.

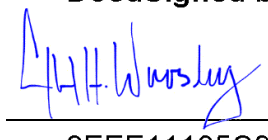
All dates are vacated. This matter is set as follows:

Prehearing Conference:	**September 11, 2017 at 1:00 PM**
Due Process Hearing:	**September 19, 20 and 21, 2017**, at 9:30 AM the first day, and 9:00 AM each hearing day thereafter, continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: August 09, 2017

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CLIFFORD H. WOOSLEY
Administrative Law Judge
Office of Administrative Hearings