BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2016110067
v.	ORDER GRANTING JOINT REQUEST FOR CONTINUANCE, SETTING MEDIATION, PREHEARING CONFERENCE, AND HEARING
SAN MARINO UNIFIED SCHOOL DISTRICT.	

On November 18, 2016, the parties filed a joint request to continue the mediation, prehearing conference, and hearing. This is the parties' first continuance request since the Student complaint's filing on October 20, 2016.

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 continuance and considered all relevant facts and circumstances, including the parties' collaboration in agreeing upon continued dates. Good cause existing therefore, the request is granted.

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

Mediation:	**January 19, 2017, at 9:30 PM**, at District's offices, 1665 West Drive. San Marino, Ca 91108.

Prehearing Conference: **February 24, 2017, at 10:00 AM.**.

Due Process Hearing: **March 7, 8, and 9, 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. The hearing shall take place at District's offices, 1234 Arcadia Ave., Vista, CA 92084.

NOTE: OAH cannot set the first day of hearing for March 6, 2017. Parties may discuss needed additional hearing days with the administrative law judge at the prehearing conference.

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 29, 2016

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CLIFFORD H. WOOSLEY
Administrative Law Judge
Office of Administrative Hearings