BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
ANAHEIM CITY SCHOOL DISTRICT,	OAH Case No. 2017010041
v.	ORDER DENYING STUDENT'S REQUEST FOR CONTINUANCE AND TO REOPEN PREHEARING CONFERENCE
PARENT ON BEHALF OF STUDENT.	

On April 17, 2017, Student filed a request to continue the dates in this matter with the Office of Administrative Hearings, based upon the purported need for other government agencies to investigate and issue reports on Anaheim City School District's underlying claims. On April 19, 2017, Student then submitted objections to OAH's April 14, 2017 Prehearing Conference Order, which is being treated as a request to reopen the Prehearing Conference as Father's failure to participate was the fault of OAH. District has not submitted a response.

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 Student's continuance request and request to reopen the Prehearing Conference and considered all relevant facts and circumstances. The request is:

☒ Denied. All prehearing conference and hearing dates are confirmed and shall proceed as calendared. Student did not establish good cause for a continuance. OAH has previously continued this matter on January 20, 2017, to dates the parties agreed

to, April 25 and 26, 2017. The January 20, 2017 order set the Prehearing Conference to April 14, 2017, at 10:00 a.m. Subsequent to that Order, Student has filed several requests for OAH to dismiss District's hearing request to assess Student over parental objection, which OAH has denied. Student's continuance request repeats many of the same grounds in that OAH does not have jurisdiction to hear District's complaint as other entities are investigating, and going forward will constitute religious and disability discrimination. For the same reasons why OAH denied Student's dismissal requests, Student's continuance request is denied.

As to Student's request to reopen the Prehearing Conference, OAH properly attempted to get Parents to submit a Prehearing Conference and then on the day of the Prehearing Conference to contact Parents by telephone to participate. Parents knew when the Prehearing Conference was to occur and could have contacted OAH if a problem existed as to their attendance. Therefore, Student did not establish good cause to reopen the Prehearing Conference as Parents failed to notify OAH that they were not available to participate. Accordingly, Student's request to reopen the Prehearing Conference is denied

IT IS SO ORDERED.

DATE: April 19, 2017

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Peter Paul Castillo
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PETER PAUL CASTILLO
Presiding Administrative Law Judge
Office of Administrative Hearings