BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2019090404

ORDER GRANTING JOINT REQUEST FOR CONTINUANCE OF DUE PROCESS HEARING

On October 8, 2019, Parents on behalf of Student and Santa Monica-Malibu Unified School District filed with the Office of Administrative Hearings, referred to as OAH, a joint request to continue the due process hearing in this matter based on the unavailability of Student and Student's attorney. Student's attorney is scheduled to be in hearing on earlier filed cases on the same dates scheduled in this matter.

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. OAH considers all relevant facts and circumstances in determining whether good cause exists to grant an extension. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is granted. All dates are vacated. This matter will be set as follows:

Prehearing Conference will be held on November 25, 2019, at 10:00 AM. Prehearing conference statements and motions shall be filed no later than three business days prior to the prehearing conference or with evidence of good cause as to why it was not possible to timely file the motion.

Due Process Hearing will be held on December 3, 4, and 5, 2019. The hearing shall begin at 9:30 AM the first day, and at 9:00 AM on all other days unless otherwise ordered. The hearing shall continue day to day, as needed at the discretion of the Administrative Law Judge. The hearing will be held at Santa Monica-Malibu Unified's offices located at 1651 16th Street, Santa Monica, CA 90404

The parties shall immediately notify all potential witnesses of the hearing dates, and shall subpoena witnesses if necessary, to ensure their availability to testify. Good cause for witness unavailability is not established by failing to properly notify or subpoena a witness.

IT IS SO ORDERED.

DATED: October 10, 2019

DocuSigned by:
Rommel P. Cruz
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Rommel P. Cruz
Administrative Law Judge
Office of Administrative Hearings