BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

MAGNOLIA PUBLIC SCHOOLS,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NUMBER 2023010438

ORDER GRANTING MOTION FOR DUE PROCESS HEARING CONTINUANCE

FEBRUARY 7, 2023

On January 18, 2023, Magnolia Public Schools filed a due process hearing complaint with the Office of Administrative Hearings, called OAH, naming Student. On January 31, February 2, and February 6, 2023, Parent requested a due process hearing continuance in this matter to March 28, 2023, and the desire to mediate this matter. Magnolia Public Schools did not respond to Student's requests for continuance. Instead, on February 2, 2023, Magnolia Public Schools requested OAH to consolidate this matter with OAH case 2023010438, and to set the hearing date to March 14, 2023, the date set in OAH case 2023010438. Since that time, OAH determined the complaint in OAH case 2023010438 insufficient.

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; 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).)

Parent established good cause for a short continuance in this matter. All dates are vacated. This matter is set as follows:

Prehearing Conference is March 6, 2023, at 3:00 PM.

Due Process Hearing is March 14, 15, and 16, 2023.

ANY CHANGES TO THE PARTICIPANTS' EMAIL ADDRESSES PROVIDED BY THE PARTIES IN THEIR REQUEST MUST BE FILED TWO BUSINESS DAYS BEFORE THE 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 the Office of

Administrative Hearing no later than three business days before the prehearing conference or with a showing of good cause why it was not timely filed.

IT IS SO ORDERED.

Cynthia Fritz

Cynthia Fritz

Administrative Law Judge

Office of Administrative Hearings