BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

CHAFFEY JOINT UNION HIGH SCHOOL DISTRICT.

OAH CASE NUMBER 2022040873

ORDER GRANTING REQUEST FOR CONTINUANCE AND SETTING DUE PROCESS HEARING

AUGUST 16, 2022

On August 9, 10, and 11, 2022, the Office of Administrative Hearings, called OAH, held a due process hearing for this matter by videoconference. Additional hearing dates were set by OAH for August 16, 17, and 18, 2022. On August 16, 2022, Parents on behalf of Student filed a request to continue this matter, based upon the unexpected death of Student's grandparent. The undersigned Administrative Law Judge heard the motion by videoconference on August 16, 2022, during which Chaffey Joint Union High School District did not oppose the motion.

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. (Ed. Code, § 56505, subd. (f)(3); 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 or imposing conditions on the continuance; and any other relevant fact or circumstance. (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:

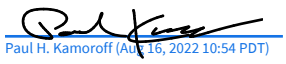
Granted. All dates are vacated. The continuance request is granted as Student established good cause for a short continuance. This matter will be set as follows:

Due Process Hearing will be held on September 20, 2022, through September 22, 2022. The hearing will be held by videoconference. The hearing shall begin at 9:30 AM and end approximately at 3:30 PM on all days, unless otherwise ordered. The hearing shall continue day to day, as needed at the discretion of the Administrative Law Judge.

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.

This hearing shall take precedence over all other OAH matters. No further continuances will be granted for this matter without a showing of exceptional good cause supported by declaration.

IT IS SO ORDERED.



Paul H Kamoroff

Administrative Law Judge

Office of Administrative Hearings