

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

OXNARD SCHOOL DISTRICT.

OAH CASE NO. 2013090950

ORDER GRANTING REQUEST FOR  
CONTINUANCE AND SETTING  
PREHEARING CONFERENCE AND  
DUE PROCESS HEARING

On March 26, 2014, the parties jointly filed a request to continue the dates in this matter. The original complaint was filed on September 25, 2013. OAH granted Student leave to file a first amended complaint on February 26, 2014. The matter is set for hearing on April 23, 2014.

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 good cause and considered all relevant facts and circumstances. The request is:

Granted. All dates are vacated. The requested dates are within sixty days of the initial hearing date set after the amended complaint was filed, and therefore the request is reasonable. However, this matter was originally filed in September, 2013, and OAH granted the parties' previous request for continuance in October 2013. The claims in the first amended complaint filed in February 2014 involve a time frame between September 2011 and September 2013. Accordingly, with this continuance the parties will have had more than

ample time to resolve their differences. Accordingly, OAH does not contemplate granting any further continuances in this matter.

Prehearing Conference: June 9, 2014 at 10:00 AM  
Due Process Hearing: June 16, 2014 at 1:30 p.m., June 17, 18, and 19, 2014 at 9:00 a.m., unless otherwise ordered, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: March 27, 2014

/s/

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ADRIENNE L. KRIKORIAN  
Administrative Law Judge  
Office of Administrative Hearings