

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PANAMA-BUENA VISTA UNION
SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2014030618

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

On March 26, 2014, Panama-Buena Vista Union School District (District) filed a motion to continue the dates in this matter based upon the unavailability of an essential witness for the currently scheduled hearing dates. District requests a hearing date after June 9, 2014. District's motion is supported by a sworn declaration of District's counsel averring that Student's counsel is in support of the motion to continue. District also attached Student's Notice of Representation and a letter from Student's counsel indicating that she supports the continuance of both the hearing and mediation dates as she plans to file her own complaint and a motion to consolidate.¹ Therefore, this motion is treated as a joint request for a continuance. This is the initial request for a continuance of 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. 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).) The Office of Administrative Hearings (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).)

¹ Student filed her Notice of Representation with OAH on March 27, 2014.

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:

Mediation: June 10, 2014, at 9:30 AM

Prehearing Conference: June 23, 2014, at 10:00 AM

Due Process Hearing: July 8, 2014 at 9:30 AM, 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/

THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings