

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN JOSE UNIFIED SCHOOL DISTRICT.

OAH Case No. 2014090633

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

On February 5, 2015, Student and San Jose Unified School District filed a joint request to continue the dates in this matter based on Student's unavailability and a mutual desire to resolve the case prior to commencement of the due process hearing.

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).) Office of Administrative Hearings 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. However, **no further continuances will be granted without substantial good cause.** This matter will be set as follows:

Mediation:

March 10, 2015 at 9:30 AM

Prehearing Conference: March 16, 2015 at 10:00 AM
Due Process Hearing: March 24, 2015 at 9:30 AM; March 25, 26, 2015 at 9:00 AM; and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: February 5, 2015

/s/

B. ANDREA MILES
Administrative Law Judge
Office of Administrative Hearings