

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

HUNTINGTON BEACH UNION HIGH
SCHOOL DISTRICT.

OAH Case No. 2015020557

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

On March 12, 2015, the parties filed a joint request to continue the dates in 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).) 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 present dates are vacated. This matter will be set as follows:

Mediation: April 15, 2015, at 9:30 a.m.
Prehearing Conference: April 27, 2015, at 10:00 a.m.

Due Process Hearing: May 5 – May 7, 2015, starting at 9:30 a.m. on May 5, 2015, and at 9:00 a.m. on May 6 and 7, 2015, and continuing day to day thereafter, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. [NOTE: The parties' request for hearing on May 8, 2015, is denied without prejudice. The parties may make a request to the ALJ assigned to the hearing for the hearing to convene on Friday, May 8, 2015.)

IT IS SO ORDERED.

DATE: March 12, 2015

/s/

DARRELL LEPKOWSKY
Administrative Law Judge
Office of Administrative Hearings