

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

SAUGUS UNION SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2015080617

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
PREHEARING CONFERENCE AND
HEARING

On August 20, 2015, Student filed with the Office of Administrative Hearings a request to continue the initially set dates in this matter to at least November 10, 2015, based upon the need to obtain legal counsel. On August 21, 2015, Saugus Union School District opposed the request based upon the need for a speedy resolution because Student is presently not attending school, or in the alternative not schedule the hearing between November 6 through 11, 2015, due to the unavailability of the District's special education director.

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. Student established good cause for a continuance to obtain the assistance of legal counsel. Therefore, this matter will be set as follows:

Prehearing Conference: November 9, 2015, at 10:00 AM
Due Process Hearing: November 16, 2015, at 1:30 PM, November 17 – 19,
2015, at 9:00 AM, and continuing day to day,
Monday through Thursday, as needed at the
discretion of the Administrative Law Judge. This
matter is assigned to Administrative Law Judge
Robert Martin.

IT IS SO ORDERED.

DATE: August 24, 2015

/s/

PETER PAUL CASTILLO
Presiding Administrative Law Judge
Office of Administrative Hearings