

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN DIEGO UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2016030962

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

On April 14, 2016, the parties filed a joint request to continue the dates in this matter. The parties provided a date for a continued mediation, but indicated that they could not agree on hearing dates. The parties have requested the Office of Administrative Hearings to set dates within 90 days of the original hearing date, presently scheduled for May 11, 2016.

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 mediation, prehearing conference, and due process hearing in this matter is continued as follows, at the location set in the Scheduling Order issued on March 23, 2016:

Mediation: May 18, 2016, at 9:30 a.m.
Prehearing Conference: July 22, 2016, at 10:00 a.m.
Due Process Hearing: August 2, 3, and 4, 2016, starting at 9:30 a.m. on August 2, and at 9:00 a.m. on all other days, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: April 15, 2016

DocuSigned by:

Darrell Lepkowsky

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DARRELL LEPKOWSKY

Administrative Law Judge

Office of Administrative Hearings