

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

BONITA UNIFIED SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2016031246

ORDER GRANTING REQUEST FOR  
CONTINUANCE, SETTING  
PREHEARING CONFERENCE AND  
HEARING

On May 18, 2016, Student filed a request to continue the hearing dates in this matter with the Office of Administrative Hearings, because Student had obtained counsel on May 17, 2016. Student's new counsel, Tania Whiteleather, provided a declaration in support of the request, noting that she had discussed a continuance with District's attorney, Karen Gilyard, who agreed to continue the hearing to September 13, 14, and 15, 2016. On May 19, 2016, District filed a response, acknowledging agreement with the proposed continued hearing dates.

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 continuance and considered all relevant facts and circumstances, including the parties' collaboration in agreeing upon continued dates. Good cause existing therefore, the request is granted.

All dates are vacated and this matter will be set as follows:

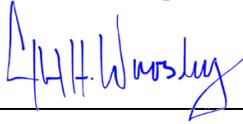
Prehearing Conference: September 2, 2016, at 1:00 p.m.

Due Process Hearing: September 13, 14, and 15, 2016, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. The first day of hearing shall commence at 9:30 a.m.; all remaining hearing days shall begin at 9:00 a.m.

IT IS SO ORDERED.

DATE: May 20, 2016

DocuSigned by:



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CLIFFORD H. WOOSLEY  
Administrative Law Judge  
Office of Administrative Hearings