

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

JOHN ADAMS ACADEMY.

OAH Case No. 2014010545

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

On March 18, 2014, the parties filed with the OAH a joint request to continue the dates in this matter because they are waiting for the completion of assessments, wish to hold an individualized education program (IEP) team meeting and would like an opportunity for mediation after the IEP team meeting. This is the first request for a continuance after the filing of an amended complaint 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. However, any further continuances in this matter will be required to show substantial good cause. All dates are vacated. This matter will be set as follows:

Mediation: June 5, 2014, at 9:30 a.m.  
Prehearing Conference: June 16, 2014, at 1:00 p.m.  
Due Process Hearing: June 23, 2014 at 1:30 p.m., and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: March 18, 2014

/s/  
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MARGARET BROUSSARD  
Administrative Law Judge  
Office of Administrative Hearings