

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

WEST CONTRA COSTA UNIFIED
SCHOOL DISTRICT AND OAKLAND
UNIFIED SCHOOL DISTRICT.

OAH Case No. 2014050135

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING DUE
PROCESS HEARING

On December 5, 2014, attorney Natashe Washington filed a notice of withdrawal as Student's representative. That same day, Student filed a motion to continue the due process hearing currently scheduled to commence on Monday, December 8, 2014, asserting the need to retain another attorney. Also on December 5, 2014, West Contra Costa and Oakland filed a notice of non-opposition to Student's motion to continue the hearing

A due process hearing must be conducted and a decision rendered within 45 days of receiving the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); and Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) As a result, continuances are disfavored. Good cause may include a party, counsel, or an essential witness's unavailability due to death, illness or other excusable circumstances; an attorney's substitution in the interest 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 a case such that it is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the hearing date's proximity to the request; 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. This matter has been pending since April 28, 2014, and Student is advised to expeditiously seek representation. Due to the length of time this

matter has been pending, additional continuances will not be granted absent extreme good cause.¹

The matter is now set as follows:

Due Process Hearing: March 10, 2015 at 9:30 AM, March 11 and 12, 2015, at 9:00 AM, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: December 5, 2014

/s/

JOY REDMON
Administrative Law Judge
Office of Administrative Hearings

¹ A telephonic prehearing conference has already been conducted in this matter and an order issued. If the parties seek an additional prehearing conference be scheduled, a written request can be submitted to OAH for consideration.