

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. GLENDALE UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2014050486
GLENDALE UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH CASE NO. 2014030455 ORDER GRANTING/DENYING REQUEST FOR CONTINUANCE AND SETTING MED/TSC/PHC/HRG

On June 24, 2014, the parties filed a stipulated request to continue the consolidated hearing for approximately 90 days on the grounds that a negotiated assessment and further negotiation could lead to settlement. A continuance had previously been granted in District's case.

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. However, further continuances are not contemplated given that a continuance had previously been granted and the parties will have had more than ample time for settlement discussions. This matter will be set as follows:

Mediation: N/A

Prehearing Conference: September 29, 2014 at 1:00 PM

Due Process Hearing: October 7-9, 13, 14, 2014 at 9:30 AM first day, 9:00 AM other days, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

[NOTE: OAH does not calendar hearings on Fridays, as requested and does not calendar hearings on the first Monday of the month.]

IT IS SO ORDERED.

DATE: June 24, 2014

/s/

RICHARD T. BREEN
Presiding Administrative Law Judge
Office of Administrative Hearings