

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

PASADENA UNIFIED SCHOOL  
DISTRICT.

OAH Case No. 2014080177

ORDER GRANTING REQUEST FOR  
ONE-DAY CONTINUANCE OF  
HEARING

On March 9, 2015, at 8:00 a.m., Student filed a request to continue the start of the hearing in this matter by one day, supported by a declaration stating that the parties had reached an agreement to settle the matter on March 7, 2015, and were in the process of obtaining all required signatures to the final agreement. Office of Administrative Hearings staff contacted District counsel, who confirmed that District joined in Student's request to continue the hearing.

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. The commencement of the hearing in this matter is continued one day, until March 10, 2015 at 9:30 a.m. The hearing will commence at that date and time unless OAH receives, at or before 4:00 p.m. on March 9, 2015, either: (i) a notice of withdrawal of

Student's complaint in the matter; or (ii) a notice of settlement subject to board approval, specifying the date of the relevant board meeting and attaching a copy of the signature page of the settlement agreement. If the matter proceeds on March 10, 2015, the parties at the commencement of the hearing will discuss the need, if any, for additional hearing days after March 12, 2015.

IT IS SO ORDERED.

DATE: March 9, 2015

*/s/*

---

ROBERT MARTIN  
Administrative Law Judge  
Office of Administrative Hearings