

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

GARDEN GROVE UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2014080303

ORDER GRANTING SECOND
REQUEST FOR CONTINUANCE AND
SETTING MEDIATION, PREHEARING
CONFERENCE, AND DUE PROCESS
HEARING DATES

On November 24, 2014, the parties filed a joint request to continue the dates in this matter based upon the recent implementation of services that, upon proof of efficacy, might result in resolution of the matter. This is the second request for a continuance.

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. This is the second continuance and absent exceptional circumstances, no further continuances will be granted. This matter will be set as follows:

Mediation:	January 13, 2015 at 9:30 AM
Prehearing Conference:	February 13, 2015 at 1:00 PM
Due Process Hearing:	February 23, 25, and 26, 2015, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. The hearing will begin at 9:00 AM each day, with the exception of the first day, on which day the hearing will be begin at 1:30 p.m. NOTE: The parties excluded February 24, 2015 from the requested hearing dates. If this was an error, it can be discussed at the prehearing conference.

IT IS SO ORDERED.

DATE: November 25, 2014

/s/

KARA HATFIELD
Administrative Law Judge
Office of Administrative Hearings