

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SANTA CLARA UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2014080317

ORDER GRANTING JOINT REQUEST  
FOR CONTINUANCE AND SETTING  
PREHEARING CONFERENCE AND  
HEARING

On November 10, 2014, the parties filed a joint request to continue the dates for a prehearing conference and hearing in this matter, based on the fact that the parties are awaiting assessment results from both a private assessor, and the California School for the Deaf.<sup>1</sup> The prehearing conference is currently set for November 24, 2014, and the hearing is set to begin on December 2, 2014.

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).)

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<sup>1</sup> The parties also indicated that they want to have mediation. However, since there is no indication as to when the parties will receive the results of the assessments, OAH will not set a date for mediation at this time. If the parties decide to participate in mediation, they should file a request with OAH.

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

- Granted. All dates are vacated. However, this is the second request for a continuance in this matter. Therefore, any further requests for continuance will not be granted unless there is a showing of exceptional good cause. This matter will be set as follows:

Prehearing Conference: February 13, 2014, at 10:00 a.m.  
Due Process Hearing: February 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: November 10, 2014

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REBECCA FREIE  
Administrative Law Judge  
Office of Administrative Hearings