

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

OAKLAND UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2014120149

ORDER GRANTING MOTION FOR
CONTINUANCE AND SETTING
MEDIATION, PREHEARING
CONFERENCE AND DUE PROCESS
DATES

On December 30, 2014, the Oakland Unified School District filed a Motion to Continue the Due Process Hearing and Prehearing Conference dates in this matter based upon Oakland and its counsel have another hearing scheduled for the same date. Oakland requests that the Office of Administrative Hearings scheduled the due process hearing for four days after the week of January 16, 2015. On January 2, 2015, Parent on behalf of Student filed a non-opposition. Student requests that OAH scheduled the due process hearing during the week of February 23, 2015 and a mediation date for late January or early February.

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:

Oakland's Motion is granted. All dates are vacated. This matter will be set as follows:

Mediation:	February 3, 2015 at 9:30 AM
Prehearing Conference:	February 13, 2015 at 1:00 PM
Due Process Hearing:	February 24, 25, and 26, 2015 at 9:30 AM on the first day, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. This matter is assigned to ALJ Deidre L. Johnson.

IT IS SO ORDERED.

DATE: January 5, 2015

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings