

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

MOUNTAIN VIEW- LOS ALTOS UNION
HIGH SCHOOL DISTRICT.

OAH Case No. 2015020110

ORDER GRANTING IN PART AND
DENYING IN PART REQUEST FOR
CONTINUANCE

On March 11, 2015, the parties jointly filed a request to continue the dates in this matter, currently scheduled to begin on March 24, 2015. The parties have asked that the hearing be set at the beginning of the 2015-2016 school year, because Parent is undergoing major surgery and will not be cleared for participation in a hearing until the end of summer 2015. The joint request was not accompanied by any supporting declarations, made under penalty of perjury. There were no specific details offered regarding the date of Parent's surgery or the proposed dates when Parent would be able to participate in a hearing. This is the first request for a continuance in this matter.

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).) The Office of Administrative Hearings 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 parties have established good cause for a continuance, but not for a

continuance until the beginning of the 2015-2016 school year. If a further continuance is needed, the parties may submit another motion to continue, supported by declarations under penalty of perjury. If Parent wishes to keep his medical information confidential and believes that the request for further continuance should be considered under the Americans with Disabilities Act, Parent is encouraged to contact OAH's ADA coordinator at OAHADA@dgs.ca.gov or 916-263-0880. Additional information concerning a request for reasonable accommodation is available on OAH's website at <http://www.dgs.ca.gov/oah/Home/Accommodations.aspx>.

Granted in part and denied in part. This matter will be set as follows:

Mediation:	May 6, 2015, at 9:30 a.m.
Prehearing Conference:	June 12, 2015, at 1:00 p.m.
Due Process Hearing:	June 23 - 25, 2015, at 9:30 a.m., and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: March 13, 2015

/s/

MARGARET BROUSSARD
Administrative Law Judge
Office of Administrative Hearings