

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

ROSEDALE UNION ELEMENTARY
SCHOOL DISTRICT AND KERN
COUNTY SUPERINTENDENT OF
SCHOOLS,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2015020979

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
MEDIATION, PREHEARING
CONFERENCE AND HEARING

Rosedale Union Elementary School District and Kern County Superintendent of Schools filed their original complaint on February 18, 2015. The Office of Administrative Hearings granted the parties' first continuance request on February 26, 2015, second continuance on April 9, 2015, and third request on May 12, 2015. On July 24, 2015, OAH granted Rosedale's and Kern County's motion to amend the complaint. On August 11, 2015, the parties filed a joint request to continue the initially set dates as to the amended complaint based upon the unavailability of counsel for both parties as they are jointly completing a hearing, and are not available to hearing until the beginning of December 2015, due to previously scheduled matters.

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. The parties established good cause for a continuance for the hearing in the amended complaint. **THE PARTIES ARE TO NOTE THAT NO FURTHER CONTINUANCES WILL BE GRANTED.** This matter will be set as follows:

Mediation:	September 17, 2015, at 9:30 AM
Prehearing Conference:	November 20, 2015, at 10:00 AM
Due Process Hearing:	December 1, 2015, at 9:30 AM, December 2 and 3, 2015, at 9:00 AM, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. Matter is assigned to Administrative Law Judge Sabrina Kong.

IT IS SO ORDERED.

DATE: August 11, 2015

/s/

PETER PAUL CASTILLO
Presiding Administrative Law Judge
Office of Administrative Hearings