

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

AVESON SCHOOL OF LEADERS AND
AVESON GLOBAL LEADERSHIP
ACADEMY (CHARTER SCHOOLS).

OAH CASE NO. 2015021006

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

On July 28, 2015, the parties filed a joint request to continue the prehearing conference and hearing dates in this matter. This is the first continuance request since OAH granted Student's request to file a second amended complaint on July 22, 2015. The July 23, 2015 scheduling order set mediation for August 26, 2015, the prehearing conference for September 4, 2015, and the hearing for September 15, 2015. The parties seek a short continuance of the prehearing conference and hearing.

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 continuance and considered all relevant facts and circumstances, including the parties' collaboration in agreeing upon continued dates. Good cause existing therefore, the request is granted.

The prehearing conference and hearing dates are vacated and continued as follows:

Prehearing Conference: September 18, 2015 at 10:00 AM

NOTE: The requested PHC date of September 4, 2015, is more than three weeks before the hearing. The PHC needs to be within two weeks before the scheduled hearing.

Due Process Hearing: September 29, 2015 at 9:30 AM first day and 9:00 AM each additional day, continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. The hearing shall take place at the Office of Administrative Hearings, 15350 Sherman Way, Suite 300, Van Nuys, CA 91406.

The mediation remains as presently scheduled, 9:30 AM, August 26, 2015, at Office of Administrative Hearings, 15350 Sherman Way, Suite 300, Van Nuys, CA 91406.

IT IS SO ORDERED.

DATE: July 29, 2015

/s/

CLIFFORD H. WOOSLEY
Administrative Law Judge
Office of Administrative Hearings