

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

OXNARD ELEMENTARY SCHOOL  
DISTRICT AND OXNARD UNION HIGH  
SCHOOL DISTRICT.

OAH Case No. 2015030889

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

On April 8, 2015, the Office of Administrative Hearings granted the parties' first continuance request of the mediation, prehearing conference and hearing dates. On May 12, 2015, the parties filed a second request to continue the dates in this matter after participating in mediation on May 5, 2015. The parties request a continuance to participate in a second mediation and request hearing dates in early September 2015 because of summer recess for both school districts.

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 in part. All dates are vacated. The parties established good cause for a second continuance to participate in a second mediation. However, the parties did not

establish good cause to continue this matter to early September 2015, as the fact that both school districts are on summer recess by itself is not sufficient grounds for a continuance. Therefore, this matter will be set as follows:

Mediation:	May 26, 2015, at 9:30 AM
Prehearing Conference:	May 29, 2015, at 1:00 PM
Due Process Hearing:	June 8, 2015, at 1:30 PM, June 9 – 11, 2015, at 9:00 AM, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. The matter is assigned for hearing to ALJ Robert Martin.

IT IS SO ORDERED.

DATE: May 12, 2015

/s/

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PETER PAUL CASTILLO  
Presiding Administrative Law Judge  
Office of Administrative Hearings