

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

BEVERLY HILLS UNIFIED SCHOOL  
DISTRICT.

OAH Case No. 2015040979

ORDER GRANTING REQUEST FOR  
CONTINUANCE AND SETTING  
PREHEARING CONFERENCE AND  
HEARING DATES

On August 26, 2015, the parties filed a joint request with the Office of Administrative Hearings to continue the dates in this matter based upon the parties' tentative agreement and need to memorialize the agreement to writing. OAH previously granted the parties a continuance on July 7, 2015, for the presently set dates of August 31, 2015, at 10:00 a.m. for the prehearing conference and September 8 –10, 2015, for the hearing. On August 27, 2015, OAH continued the prehearing conference, but denied the parties' request to continue the hearing as parties did not establish good cause to continue this matter to October 19, 2015, to finalize a written settlement agreement.

On September 1, 2015, the parties filed a joint request to continue the dates in this matter, based upon the parties reaching an interim agreement to assist the parties determine appropriate service levels to resolve 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).) 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 brief continuance based on the terms of the interim agreement. **NO FURTHER CONTINUANCES SHALL BE GRANTED.** Therefore, this matter will be set as follows:

Prehearing Conference: October 5, 2015, at 3:00 PM  
Due Process Hearing: October 13, 2015, at 9:30 AM, October 14 – 15, 2015, at 9:00 AM, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: September 2, 2015

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PETER PAUL CASTILLO  
Presiding Administrative Law Judge  
Office of Administrative Hearings