

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

BALDWIN PARK UNIFIED SCHOOL  
DISTRICT.

OAH Case No. 2015040989

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

On September 24, 2015, the parties filed a joint request with the Office of Administrative Hearings for a second continuance of the dates in this matter based upon delays in commencing the assessments called for in the parties' May 27, 2015 interim agreement. On June 3, 2015, OAH granted the parties' first continuance request, which set the mediation for October 8, 2015, the prehearing conference for October 19, 2015, and hearing for October 26 through 29, 2015.

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 June 3, 2015 continuance was based on the parties' request to be able to conduct assessments, which now have been delayed for three months. The parties request that the hearing commence on January 5,

2016, but did not establish why the hearing cannot commence before then, especially since this matter has been pending since April 20, 2015. Therefore, this matter will be set as follows:

Mediation:	December 2, 2015, at 9:30 AM
Prehearing Conference:	December 7, 2015, at 1:00 PM
Due Process Hearing:	December 15, 2016, at 9:30 AM, December 16 and 17, 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 Kara Hatfield.

IT IS SO ORDERED.

DATE: September 25, 2015

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PETER PAUL CASTILLO  
Presiding Administrative Law Judge  
Office of Administrative Hearings