

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

POMONA UNIFIED SCHOOL DISTRICT.

OAH Case No. 2015050850

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
MEDIATION AND HEARING DATES

On July 14, 2015, the parties filed a joint request to continue the dates in this matter. This is the second request for continuance filed by the parties. The parties are requesting a short continuance (two weeks) to permit the completion of independent assessments.

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. The mediation and hearing dates are vacated. This matter will be set as follows:

Mediation:	August 4, 2015, at 9:30 AM
Due Process Hearing:	August 18, 19 and 20, 2015, at 9:30 AM, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

NOTE: The parties did not request a continuance of the prehearing conference, so that date will remain as previously set on July 27, 2015, at 1:00 PM.

IT IS SO ORDERED.

DATE: July 14, 2015

/s/

SUSAN RUFF
Administrative Law Judge
Office of Administrative Hearings