

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

OCEANSIDE UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2015060028

ORDER GRANTING REQUEST FOR
CONTINUANCE OF PREHEARING
CONFERENCE AND DUE PROCESS
HEARING, CONFIRMING
MEDIATION DATE, AND SETTING
PREHEARING CONFERENCE AND
DUE PROCESS HEARING

On June 11, 2015, the parties jointly filed a request to continue the dates in this matter, including advancing the date of mediation. The request was based upon a scheduling order issued by the Office of Administrative Hearings on the same date which followed the timely filing on June 9, 2015, of Student's amended complaint in compliance with an order issued by the OAH on June 1, 2015, partially granting District's notice of insufficiency and granting leave to amend. The parties jointly waived their right to an early resolution session on Student's amended complaint but did not request to advance the hearing dates. For the reasons discussed below, the request to continue is granted as to the prehearing conference and due process hearing, only.

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, only as to the PHC and hearing dates, which are vacated. This matter will be set as follows:

- Mediation: July 14, 2015 at 9:30 a.m., confirmed as per June 11, 2015 scheduling order. OAH cannot accommodate the parties' request for June 17, 2015. The parties may request a date after July 17, 2015, if the date is not convenient for them.
- Prehearing Conference: September 14, 2015 at **3:00 p.m.** Note that OAH cannot accommodate the parties' request for 10:00 a.m. because OAH does not schedule PHCs in the morning of the first Monday after Labor Day.
- Due Process Hearing: September 21, 2015, at 1:30 p.m., September 22-24, 2015 at 9:00 a.m., and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: June 11, 2015

/s/

ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings