

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LONG BEACH UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2015070808

ORDER GRANTING DISTRICT'S
REQUEST FOR CONTINUANCE AND
SETTING NEW MEDIATION,
PREHEARING CONFERENCE, AND
DUE PROCESS HEARING DATES

On August 3, 2015, Long Beach Unified School District filed a request to continue the dates in this matter due to the unavailability of its attorney on the dates presently set for the hearing. In its motion, District attached an email from Student's attorney that indicates Student does not oppose the motion to continue, and agrees to District's proposed dates. District proposed September 2, 2015, as a mediation date, and October 13 through October 15, 2015, as the dates for the due process hearing. District indicated a date for the prehearing conference that is apparently in error as that date has already passed.

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. This matter will be set as follows:

Mediation: September 2, 2015, at 9:30 a.m.
Prehearing Conference: October 2, 2015, at 1:00 p.m.
Due Process Hearing: October 13-15, 2015, beginning at 9:30 a.m. on
October 13, 2015, and 9:00 a.m. all other days, and
continuing day to day, Monday through Thursday,
as needed at the discretion of the Administrative
Law Judge.

IT IS SO ORDERED.

DATE: August 12, 2015

/s/

DARRELL LEPKOWSKY
Administrative Law Judge
Office of Administrative Hearings