

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ABC UNIFIED SCHOOL DISTRICT.

OAH Case No. 2016010115

ORDER GRANTING REQUEST FOR
CONTINUANCE AS TO PREHEARING
CONFERENCE AND DENYING AS TO
HEARING

On March 29, 2016, 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 February 19, 2016, for the presently set dates of April 4, 2016, at 1:00 p.m. for the prehearing conference and April 11–14, 2016, for the hearing.

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 as to Prehearing conference and denied as to hearing dates. While the parties established good cause for a short continuance of the prehearing conference while the parties finalize the tentative agreement, parties did not establish good cause to continue this

matter to May 2, 2016, to finalize a written settlement agreement. Therefore, this matter will be set as follows:

Prehearing Conference: April 8, 2016 at 3:00 PM
Due Process Hearing: Hearing dates remain as presently scheduled.

IT IS SO ORDERED.

DATE: March 29, 2016

DocuSigned by:
Peter Paul Castillo
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PETER PAUL CASTILLO
Presiding Administrative Law Judge
Office of Administrative Hearings