

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

WEST CONTRA COSTA UNIFIED
SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2013110786

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
REMAINING HEARING DATES

On February 4, 2014, the hearing was convened in this matter. At the end of the first day of hearing, Parent requested a continuance in order to obtain legal counsel. The request for continuance was granted and the matter was continued to February 25-27, 2014. A prehearing conference was held on February 14, 2014, where Parent indicated she had not obtained legal counsel as of that date. The parties were informed that the hearing would go forward as scheduled on February 25, 2014.

On February 21, 2014, The West Contra Costa Unified School District (Contra Costa) filed a request to continue the hearing dates in this matter, based upon information Contra Costa's counsel had received that Parent was incarcerated and Student had been taken by his grandmother to another city in California. Contra Costa has asked for a continuance so that it may better understand the residency issue regarding Student and to obtain information about whether Parent wishes to have representation at the continued hearing. At this time, there has been no response from Parent.

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).) The Office of Administrative Hearings (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:

Due Process Hearing: April 22, 2014, at 9:30 a.m., April 23-24, 2014, 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: February 24, 2014

/s/

MARGARET BROUSSARD
Administrative Law Judge
Office of Administrative Hearings