

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

PALOS VERDES PENINSULA UNIFIED  
SCHOOL DISTRICT.

OAH CASE NO. 2015020241

ORDER CONTINUING PREHEARING  
CONFERENCE AND DENYING  
REQUEST FOR CONTINUANCE OF  
DUE PROCESS HEARING

On May 6, 2015, 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 11, 2015, for the presently set dates of May 11, 2015, at 10:00 a.m. for the prehearing conference and May 18 – 21, 2015, 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. 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 the end of August 2015. Therefore, this matter will be set as follows:

Prehearing Conference: May 15, 2015 at 1:00 PM  
Due Process Hearing: Hearing dates remain as presently scheduled.

IT IS SO ORDERED.

DATE: May 6, 2015

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PETER PAUL CASTILLO  
Presiding Administrative Law Judge  
Office of Administrative Hearings