

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

IRVINE UNIFIED SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2015060074

ORDER GRANTING JOINT REQUEST  
FOR CONTINUANCE, SETTING  
MEDIATION, PREHEARING  
CONFERENCE AND HEARING

On September 22, 2015, the parties filed a joint request to continue the prehearing conference and hearing, and set a mediation date, because Parents have moved to Northern California and parties have not yet been able to mediate.

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 continuance and considered all relevant facts and circumstances, including the parties' collaboration in agreeing upon continued dates. Good cause existing therefore, the request is granted.

All dates are vacated. This matter is continued as follows:

Mediation:	September 29, 2015, at 9:30 AM, at District's offices, 5050 Barranca Parkway, Irvine, CA 92604.
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Prehearing Conference: October 19, 2015 at 10:00 AM.

Due Process Hearing: October 27, 28, and 29, 2015 at 9:30 AM first day, 9:00 AM each additional day, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. The hearing shall take place at District's offices, 5050 Barranca Parkway, Irvine, CA 92604.

IT IS SO ORDERED.

DATE: September 22, 2015

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CLIFFORD H. WOOSLEY  
Administrative Law Judge  
Office of Administrative Hearings