

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

BELLFLOWER UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2015070676

ORDER GRANTING JOINT REQUEST
FOR CONTINUANCE AND SETTING
PREHEARING CONFERENCE AND
HEARING DATES

On October 1, 2015, OAH granted the parties' first joint request to continue the dates in this matter and set different dates than that agreed to by the parties because the Office of Administrative Hearings is not available for hearing on the dates the parties requested, as published on OAH's public website. On October 2, 2015, the parties filed a second joint request to continue the dates set by OAH on October 1, 2015, to the week of January 19, 2016.

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. However, based on the impact of other continuances and other pending hearings, OAH could not continue the hearing dates to the week of January 19, 2016, per the parties' request. This matter will be set as follows:

Prehearing Conference: January 8, 2016, at 1:00 p.m.

Due Process Hearing: January 26, 2016 at 9:30 a.m., and January 27, and 28, 2016 at 9:00 a.m., and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. Matter is assigned to Administrative Law Judge Elsa Jones.

IT IS SO ORDERED.

DATE: October 5, 2015

/s/

SABRINA KONG
Administrative Law Judge
Office of Administrative Hearings