

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

SAN LEANDRO UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2016030707

ORDER GRANTING REQUEST FOR
CONTINUANCE; SETTING
MEDIATION, PREHEARING
CONFERENCE AND DUE PROCESS
HEARING DATES; AND CHANGING
LOCATION FOR MEDIATION

On March 25, 2016, the parties filed with the Office of Administrative Hearings an initial joint request to continue the prehearing conference and due process hearing dates in this matter.

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. This matter will be set as follows:

Mediation: April 19, 2016, at 9:30 a.m.

Prehearing Conference: May 9, 2016, 1:00 p.m.

Due Process Hearing: May 17, 2016, at 9:30 a.m., May 18, 2016, at 9:00 a.m., and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

The parties shall immediately notify all potential witnesses of the hearing dates, and shall subpoena witnesses if necessary, to ensure that the witnesses will be available to testify. A witness will not be regarded as unavailable for purposes of showing "good cause" to continue the hearing if the witness is not properly notified of the hearing date or properly subpoenaed, as applicable.

Mediation will be held at the San Leandro Unified School District's Office of Student Services and Special Education located at 2255 Bancroft Avenue, San Leandro, California, at the parties' request. San Leandro is ordered to immediately file a certification that this facility fully complies with the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et. seq.) the Rehabilitation Act of 1973 (29 U.S.C. § 794 et seq.), the Unruh Civil Rights Act (Civ. Code § 51 et seq.), and all laws governing accessibility of government facilities to persons with disabilities. **The hearing location remains as specified in the Scheduling Order.**

IT IS SO ORDERED.

DATE: March 28, 2016

DocuSigned by:

Theresa Ravandi

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THERESA RAVANDI

Administrative Law Judge

Office of Administrative Hearings