BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2015021006
v.	ORDER GRANTING REQUEST FOR CONTINUANCE AND SETTING MEDIATION, PREHEARING CONFERENCE AND HEARING
AVESON SCHOOL OF LEADERS (CHARTER SCHOOL).	

This matter was filed by Student against Aveson School of Leaders on February 19, 2015 and initially set for due process hearing on April 16, 2015. On March 24, 2015, Stephen Erigero, Esq. and Tahereh Mahmoudian, Esq. of the firm Ropers, Majeski, Kohn & Bentley filed a notice of representation on behalf of Aveson. On March 25, 2015, the parties filed a joint request for a continuance of the initial hearing date, which request was granted, with mediation set for April 16, 2015, and hearing on May 19-21, 2015.

On April 15, 2015, Aveson cancelled mediation in this matter.

On May 1, 2015, the parties filed a joint request for a second continuance of the hearing date in this matter, on grounds that Aveson had retained new counsel. Michael Ohira, Esq. of Ropers, Majeski signed the request for continuance on behalf of Aveson. The parties requested that mediation be set for May 7, 2015, the prehearing conference continued to May 18, 2015, and the hearing continued to June 8-11, 2015.

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. A change of the responsible attorney at a party's current law firm would not ordinarily constitute good cause for a second continuance . Here, however, the continuance is unopposed and jointly requested, and the requested hearing dates are within 90 days of those initially set in this matter. The request is:

Granted. All dates are vacated. This matter will be set as follows:

Mediation:

Date:	05/7/2015
Time:	9:30 a.m. to 4:30 p.m.
Place:	Aveson School of Leaders 1919 East Pinecrest Drive Altadena, CA 91001

Telephonic Prehearing Conference:

Date:	05/18/2015
Time:	3:00 p.m.

Due Process Hearing:

Date:	06/8-11/2015 The hearing shall continue day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.
Time:	1:30 p.m. on June 8, 2015, and 9:00 a.m. each day thereafter.
Place:	Aveson School of Leaders 1919 East Pinecrest Drive Altadena, CA 91001

IT IS SO ORDERED.

DATE: May 1, 2015

/s/

ROBERT MARTIN
Administrative Law Judge
Office of Administrative Hearings