BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
PARENTS ON BEHALF OF STUDENT,	OAH Case No. 2015040532
v.	ORDER GRANTING REQUEST FOR CONTINUANCE; SETTING PREHEARING CONFERENCE AND DUE PROCESS HEARING
MANHATTAN BEACH UNIFIED SCHOOL DISTRICT.	

On May 22, 2015, a telephonic prehearing conference was initiated by Administrative Law Judge Paul H. Kamoroff, Office of Administrative Hearings. Bruce Bothwell, Attorney at Law, appeared on behalf of Parents on behalf of Student. Christopher J. Fernandes, Attorney at Law, appeared on behalf of the Manhattan Beach Unified School District. The PHC was recorded

Prior to the commencement of the prehearing conference, Student submitted a request to continue the hearing. Student's request is based upon Student's father being unavailable during the dates set for hearing. District did not oppose Student's request.[1]

APPLICABLE LAW AND DISCUSSION

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

[1] The ALJ granted Student's request for continuance prior to the commencement of the prehearing conference. District's ability to peremptory challenge the ALJ has therefore not been waived. Student has exercised her peremptory challenge.

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.

ORDER

1. All dates previously set in OAH Case Number 2015040532 are vacated.

2. The matter shall be set as follows:

Mediation:	To be determined by the parties.
Prehearing Conference:	9/4/2015, at 1:00 p.m.
Due Process Hearing:	9/15/2015; 9/16/2015; 9/17/2015, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. The hearing shall begin at 9:30 a.m. on the first day of hearing, and at 9:00 a.m. on all other days, unless otherwise ordered.

IT IS SO ORDERED.

DATE: May 22, 2015

/S/

PAUL H. KAMOROFF
Administrative Law Judge
Office of Administrative Hearings