BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2014110367
v.	ORDER GRANTING JOINT REQUEST FOR CONTINUANCE AND SETTING MEDIATION, PREHEARING CONFERENCE, AND HEARING
GARVEY SCHOOL DISTRICT.	

On February 4, 2015, the parties filed a joint request to continue the mediation, prehearing conference and hearing dates in this matter. This is the second continuance request since the complaint was filed on October 30, 2014.

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).)

The parties have agreed to an interim diagnostic placement and an independent education evaluation to be followed by an individualized education program team meeting. The independent evaluation will not be completed in time to hold the IEP meeting before the hearing presently scheduled for March 3, 2015. 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 exists and the request is granted. However, OAH does not contemplate granting any further continuances in this matter absent a showing of substantial good cause.

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

Mediation:	March 19, 2015, at 10:30 AM, at Garvey School District, 2730 N. Del Mar Ave., Rosemead, CA 91770.
Prehearing Conference:	April 13, 2015, at 1:00 PM.
Due Process Hearing:	April 21, 22, and 23, 2015, commencing at 9:00 AM, except for the first day, which will commence at 9:30 AM. The hearing shall continue day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. The hearing shall take place at Garvey School District, 2730 N. Del Mar Ave., Rosemead, CA 91770.

IT IS SO ORDERED.

DATE: February 5, 2015

/s/

CLIFFORD H. WOOSLEY
Administrative Law Judge
Office of Administrative Hearings