BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: STUDENT, v. SANTA CLARA UNIFIED SCHOOL DISTRICT,	OAH Case No. 2015030117
SANTA CLARA UNIFIED SCHOOL DISTRICT, v. STUDENT.	OAH Case No. 2014120222 ORDER PARTIALLY GRANTING REQUEST FOR CONTINUANCE BY SETTING JULY 9, 2015 AS ADDITIONAL HEARING DATE.

On May 21, 2015, Student filed a request to continue the hearing dates in this matter because two essential witnesses are unavailable on the dates currently scheduled for hearing. On May 26, 2015, Santa Clara Unified School District filed an opposition.

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).) The Office of Administrative Hearings 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:

☒ Partially Granted. The matter will be set as follows:

Prehearing Conference:	June 1, 2015, at 3:00 p.m.
Due Process Hearing:	June 9, 2015, at 9:30 a.m. and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. The hearing will reconvene on July 9, 2015, for Student's witnesses Ms. Wells-Wahlberg and Ms. Wilkerson and any rebuttal witnesses, and continue day to day, **Monday through Friday,** at the discretion of the ALJ.

IT IS SO ORDERED.

DATE: May 26, 2015

/s/

MARGARET BROUSSARD
Presiding Administrative Law Judge
Office of Administrative Hearings