BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2015030220
v.	ORDER GRANTING REQUEST FOR CONTINUANCE OF HEARING ONLY AND SETTING HEARING DATES
FRESNO UNIFIED SCHOOL DISTRICT.	

On April 8, 2015, Fresno Unified School District filed a request to continue the hearing dates in this matter for one week because the attorney for Fresno is not available on the scheduled date. She will be out of town for a vacation for which she has already purchased tickets. Fresno has requested that the hearing be continued from April 28, 2015, to May 5, 2015. Parent did not oppose this short continuance and this is the first continuance request 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).) 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:

☒ Granted. The hearing date only is vacated. All other dates will remain on calendar. The hearing will be set as follows:

Hearing:	May 5, 2015, at 9:30 a.m. and May 6, 2015, at 9:00 a.m. and continuing, day to day, Monday through Thursday, at the discretion of the administrative law judge.

IT IS SO ORDERED.

DATE: April 14, 2015

/s/
MARGARET BROUSSARD
Presiding Administrative Law Judge
Office of Administrative Hearings