BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. SAN MATEO-FOSTER CITY SCHOOL DISTRICT,	OAH Case No. 2015040885
SAN MATEO-FOSTER CITY SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2015030258 ORDER GRANTING REQUEST FOR CONTINUANCE AND SETTING MEDIATION, PREHEARING CONFERENCE AND HEARING DATES

On June 26, 2015, San Mateo – Foster City School District filed a request to continue the prehearing conference and hearing dates in this matter due to witness and attorney unavailability. While this is the first request for continuance since Student's motion to amend his complaint was granted, this is not the first request for continuance in these consolidated matters which were originally filed on March 4, 2015, and April 16, 2015. San Mateo – Foster City has requested that the hearing be set in late August or September 2015. Student opposed the continuance.

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. All dates are vacated with the exception of the mediation date, which remains the same as in the scheduling order issued on June 3, 2015.

Mediation:	July 7, 2015, at 9:30 a.m.
Prehearing Conference:	August 7, 2015 at 10:00 a.m.
Due Process Hearing:	August 24, 2015, at 9:30 a.m., August 25 and 26, 2015, at 9:00 a.m., and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED

DATE: June 29, 2015

/S/

MARGARET BROUSSARD
Presiding Administrative Law Judge
Office of Administrative Hearings