

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

OXNARD UNION HIGH SCHOOL
DISTRICT.

OAH CASE NO. 2013110171

ORDER GRANTING REQUEST FOR
CONTINUANCE

On December 11, 2013, the parties filed a joint initial request to continue the dates in this matter to mutually agreed dates. The dates requested for hearing are more than 120 days of the initial hearing date.

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).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

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

Mediation:	January 22, 2014 at 9:30 AM [Note change of date. OAH is dark on the date requested]
Prehearing Conference:	April 21, 2014 at 1:00 PM
Due Process Hearing:	April 29-30 and May 1, 2014, at 9:30 AM the first day and 9:00 AM thereafter, continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

NOTE: In light of the extraordinary length of the requested continuance, and counsel's representations of availability, no further continuances are contemplated. By the dates set, the parties will have had ample opportunity to have conducted observations and settlement negotiations.

IT IS SO ORDERED.

Dated: December 13, 2013

/s/

ALEXA J. HOHENSEE
Administrative Law Judge
Office of Administrative Hearings