

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH CASE NO. 2014050208

v.

DOWNEY UNIFIED SCHOOL DISTRICT,

DOWNEY UNIFIED SCHOOL DISTRICT,

OAH CASE NO. 2014041256

v.

PARENT ON BEHALF OF STUDENT.

AMENDED ORDER GRANTING
REQUEST FOR CONTINUANCE AND
SETTING PREHEARING CONFERENCE
AND DUE PROCESS HEARING

On June 11, 2014, the parties filed a joint request to continue the dates in this matter, providing supporting declarations setting forth good cause reasons for their stipulated 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).) 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. The continuance is effective June 13, 2014, the date of the Order. This matter will be set as follows:

Mediation:	Not requested (The parties may request a mediation, but are advised to notify OAH at least 10 days in advance of the proposed mediation so that OAH can secure a mediator.)
Prehearing Conference:	September 15, 2014, 1 p.m.
Due Process Hearing:	September 29, 2014, 1:30 p.m., September 30-October 2, 2014, 9 a.m., October 7, 2014, 9:30 a.m., October 8-9, 2014, 9 a.m., October 13, 2014, 1:30 p.m., October 14-16, 2014, 9 a.m., October 20, 2014, 1:30 p.m., October 21-23, 2014, 9 a.m. and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. (The parties are advised that this is the final continuance, given the length of the continuance and the assurance from counsel that the parties and witnesses are available on these dates. The parties are also advised that the ALJ assigned to the hearing shall make the final determination as to the number of days required for hearing.)

IT IS SO ORDERED.

DATE: June 15, 2014

/s/

EILEEN COHN
Administrative Law Judge
Office of Administrative Hearings