

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LONG BEACH UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2014061222

ORDER GRANTING/DENYING
REQUEST FOR CONTINUANCE AND
SETTING MED/TSC/PHC/HRG

On November 5, 2014, the parties filed a joint request with the Office of Administrative Hearings to continue the dates in this matter, November 17 – 20, 2014, based upon the parties reaching an interim agreement that provides for independent assessments.

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 in part. All dates are vacated. The parties request hearing dates of April 14 -16, 2015, which 10 months after the filing of this case. While the parties established good cause for a continuance, the dates are too far out. Additionally, the case conflicts noted by counsel for Long Beach Unified School District do not take precedent as those cases were filed after this matter. Therefore, this matter will be set as follows:

Mediation:	February 25, 2015 at 9:30 AM
Prehearing Conference:	March 2, 2015, at 3:00 PM
Due Process Hearing:	March 9, 2015, at 1:30 PM, March 10 – 12, 2015, at 9:00 AM, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: November 6, 2014

/s/

PETER PAUL CASTILLO
Presiding Administrative Law Judge
Office of Administrative Hearings