

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

PLACENTIA-YORBA LINDA UNIFIED
SCHOOL DISTRICT.

OAH CASE NO. 2014100695

ORDER GRANTING DISTRICT'S
MOTION FOR CONTINUANCE AND
SETTING PREHEARING
CONFERENCE AND DUE PROCESS
HEARING

On November 7, 2014, District filed a motion to continue the dates in this matter. The motion was supported by a declaration under penalty of perjury from District's attorney with authenticated exhibits. Student did not file an opposition. The initial hearing date is December 11, 2014.

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).)

Here, District established that it is not available for hearing on the initial hearing date of December 11, 2014. It also established that a necessary witness was not available to attend the hearing during the winter holiday break, resulting in District's counsel being unable to prepare that witness or this matter for hearing until after the winter break. District further established that it made reasonable attempts to obtain mutually agreeable future dates for a continuance with Student's Mother, who objected to a continuance. District requests that the hearing be set for January 20-22, 2015, and advised that it will work with Mother to find a mutually agreeable mediation date.

District has established good cause for a short continuance of this matter. The request is granted. All dates are vacated. This matter will be set as follows:

Prehearing Conference:	January 9, 2015 at 10:00 AM
Due Process Hearing:	January 20, 2015 at 1:30 p.m., January 21 and 22, 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 17, 2014

/s/

ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings