

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. 2014100978

ORDER GRANTING DISTRICT'S
REQUEST FOR CONTINUANCE AND
SETTING PREHEARING
CONFERENCE AND HEARING

On November 14, 2014, Long Beach Unified School District filed a request to continue the dates in this matter, based upon conflicts with the calendars of necessary District representatives. Student has not filed any response or opposition. This is the first continuance request since the October 23, 2014 due process filing.

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).)

In support of its motion, District filed the Declarations Christopher Gutierrez-Lohrman and Elizabeth H. Curtis, along with various exhibits. Ms. Curtis talked with the offices of Student's counsel who indicated Student would not oppose the request for continuance and, in fact, had already "blocked off" District's requested continued hearing dates on its calendar. The exhibits further confirm this communication.

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is granted and the dates are continued as follows:

Prehearing Conference: March 16, 2015, at 1:00 PM

Due Process Hearing: March 23, 24, 25, and 26, 2015, commencing at 9:00 AM, except for the first day, which shall begin at 1:30 p.m. The hearing shall continue day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

NOTE: The December 3, 2014, mediation remains as calendared.

IT IS SO ORDERED.

DATE: November 24, 2014

/s/

CLIFFORD H. WOOSLEY
Administrative Law Judge
Office of Administrative Hearings