

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

CHICO UNIFIED SCHOOL DISTRICT.

OAH Case No. 2014120106

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
PREHEARING CONFERENCE AND
HEARING

On December 31, 2014, Student filed a request to continue the dates in this matter. based upon a scheduled medical procedure that conflicts with the scheduled hearing date. On January 6, 2015, District opposed the request because the parties had been unable to agree upon mutually convenient dates.

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. Student has stated good cause for a continuance and for the unavailability of parent and/or counsel prior to late March. This matter will therefore be set as follows:

Prehearing Conference: March 16, 2015 at 10 AM

Due Process Hearing: March 24-26, 2015, and continuing day to day,
Monday through Thursday, as needed at the
discretion of the Administrative Law Judge. Matter
will be assigned to ALJ Theresa Ravandi.

IT IS SO ORDERED.

DATE: January 6, 2015

/s/

JUNE R. LEHRMAN
Administrative Law Judge
Office of Administrative Hearings