

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

ALHAMBRA UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2014090992

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

On January 9, 2015, the parties filed a joint request to continue the prehearing conference and hearing dates in this matter. This is the second continuance request since the filing of the complaint. District's attorney withdrew and a new attorney substituted in on January 5, 2015. The parties agreed the attorney substitution warranted a 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 continuance and considered all relevant facts and circumstances. The recent withdrawal and substitution of new counsel on behalf of District, including the parties' collaboration in agreeing upon continued dates, is good cause for this second continuance. The request is granted.

All dates are vacated. This matter will be set as follows:

Prehearing Conference: February 27, 2015, at 10:00 AM.

NOTE: Prehearing conferences are heard at 10:00 AM, 1:00 PM, and 3:00 PM, not 10:30 AM, as requested by the parties.

Due Process Hearing: March 10, 11 and 12, 2015, commencing at 9:30 AM. The hearing shall continue day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. The hearing shall take place at the District's offices, located at 1515 West Mission Road, Alhambra, California 91803.

IT IS SO ORDERED.

DATE: January 09, 2015

/s/

CLIFFORD H. WOOSLEY
Administrative Law Judge
Office of Administrative Hearings