

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

NEW HAVEN UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2014120610

ORDER GRANTING JOINT REQUEST
TO CONTINUE DUE PROCESS
HEARING AND PREHEARING
CONFERENCE

On January 7, 2015, Student and New Haven filed a joint request to continue the dates in this matter. Currently, the due process hearing in this case is scheduled for January 20, 21, and 22, 2015. One prior continuance was granted in this case.

A second continuance has been requested because Student's counsel, Roberta Savage, is unavailable for those hearing dates, as she is scheduled to begin a due process hearing in Case Number 2014120367 on January 20, 2015. During the January 5, 2015 Prehearing Conference for Case Number 2014120367, Student's counsel made Administrative Law Judge June Lehrman, who was presiding over the proceeding, aware of her scheduling conflict. ALJ Lehrman confirmed the hearing dates in Case Number 2014120367 and suggested that Student's counsel request a continuance in one of the two due process hearing, in order to ensure Student's counsel availability to begin hearing on January 20, 2015.

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. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) Speedy resolution of the due process hearing is mandated by law and continuance of the hearing may be granted only upon a showing of good cause. (Ed. Code, § 56505, subd. (f)(3).) In ruling upon a motion for continuance, OAH is guided by the provisions found within the Administrative Procedure Act and the California Rules of Court that concern motions to continue. (Cal. Code Regs., tit. 1, § 1020; Cal. Rules of Court, rule 3.1332 .) Generally, continuances of matters are disfavored. (Cal. Rules of Court, rule 3.1332(c).) 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).)

The parties have established good cause to continue the hearing and the motion is granted. All dates are vacated. This matter will be set as follows:

Telephonic PHC:

Date: March 27, 2015

Time: 10:00 AM

Due Process Hearing:

Date: April 7, 8, and 9, 2015 and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

Time: 9:30 AM on April 7, 2015 and 9:00 AM each day thereafter.

IT IS SO ORDERED.

Dated: January 7, 2015

/s/

B. ANDREA MILES
Administrative Law Judge
Office of Administrative Hearings