

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2015010039
v.	
CASTRO VALLEY UNIFIED SCHOOL DISTRICT,	
CASTRO VALLEY UNIFIED SCHOOL DISTRICT,	OAH Case No. 2015020202
v.	
PARENT ON BEHALF OF STUDENT.	ORDER GRANTING REQUEST FOR CONTINUANCE AND SETTING PREHEARING CONFERENCE AND DUE PROCESS HEARING

On March 30, 2015, the parties jointly filed a request to continue the dates in these matters, based upon the fact that Student has just retained Attorney Mark Zeller, who filed an appearance on the same day. This is the parties' second joint request for 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 good cause and considered all relevant facts and circumstances. The request is:

☒ Granted. All dates are vacated. The parties are cautioned that while Student's recent retention of counsel constitutes good cause for continuance, the first of these consolidated cases has been pending since December 23, 2014, and the second since January 29, 2015. The matters have now been continued twice for lengthy periods at the joint requests of the parties. OAH will therefore not grant a further continuance absent an extraordinary showing of need. This matter will be set as follows, on dates on which the parties have indicated they are available:

Prehearing Conference:	May 29, 2015, at 3:00 PM
Due Process Hearing:	June 9, 10, and 11, 2015, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: March 30, 2015

/s/
CHARLES MARSON
Acting Presiding Administrative Law Judge
Office of Administrative Hearings