

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ONTARIO-MONTCLAIR SCHOOL
DISTRICT.

OAH CASE NO. 2015030070

ORDER GRANTING JOINT REQUEST
FOR INITIAL CONTINUANCE AND
SETTING MEDIATION, PREHEARING
CONFERENCE, AND DUE PROCESS
HEARING DATES

On March 26, 2015, the parties filed a joint request to continue the mediation, prehearing conference, and due process hearing dates in this matter.

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. This matter will be set as follows:

Mediation:	April 23, 2015, at 9:30 a.m.
Prehearing Conference:	April 27, 2015, at 10:00 a.m.
Due Process Hearing:	May 5-7, 2015, and continuing day to day thereafter, Monday through Thursday as needed, at the discretion of the Administrative Law Judge.

Note that the first day of hearing has been changed from May 4, the date requested by the parties, as it is the first Monday of the month. OAH does not begin hearings on the first Monday of the month. Consequently, the hearing will begin at 9:30 a.m. on May 5, 2015.

IT IS SO ORDERED.

DATE: March 27, 2015

/s/

ELSA H. JONES
Acting Presiding Administrative Law Judge
Office of Administrative Hearings