

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

v.

OAKLAND SCHOOL FOR THE ARTS.

OAH Case No. 2015040708

OAKLAND SCHOOL FOR THE ARTS ,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2015030095

ORDER GRANTING REQUEST TO
CONTINUE AND SETTING NEW
MEDIATION, PREHEARING
CONFERENCE, AND DUE PROCESS
HEARING DATES

On May 22, 2015, Parents on behalf of Student filed a request to continue the dates in this matter as Parents needed additional time to retain a new attorney as LaJoyce Porter had withdrawn as Student's attorney on May 18, 2015. Parents have been in the process of securing counsel, however, Student's grandmother recently passed away and Student's family has been preoccupied with mourning their loss and preparing for her funeral, which is scheduled for May 30, 2015. Oakland School for the Arts has not filed an opposition to Student's request for 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 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:	July 8, 2015 at 9:30 AM
Prehearing Conference:	August 10, 2015 at 1:00 PM
Due Process Hearing:	August 18, 2015 at 9:30 AM, August 19 and 20, 2015 at 9:00 AM, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: May 28, 2015

/s/
B. ANDREA MILES
Administrative Law Judge
Office of Administrative Hearings