

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

WEST CONTRA COSTA UNIFIED
SCHOOL DISTRICT.

OAH Case No. 2015050608

ORDER GRANTING PARTIES
REQUESTS FOR CONTINUANCE
AND SETTING PREHEARING
CONFERENCE AND HEARING
DATES

On May15, 2015, West Contra Costa Unified School District filed a request for due process hearing, with the Office of Administrative Hearings, naming Parent on Behalf of Student. On June 2, 2015, West Contra Costa filed a motion to continue the hearing based upon the unavailability of counsel on the scheduled hearing date. Counsel for West Contra Costa has a previously scheduled and continued hearing in Federal Court on June 10, 2015, the date this hearing is scheduled to commence. On June 3, 2015, Student filed a motion to continue the hearing because Parent is in need of clarification from West Contra Costa on several issues that relate to evidentiary matters. Neither party requested any particular length of continuance. On June 4, 2015, OAH granted a continuance of the prehearing conference to July 10, 2015, and the hearing to July 21 -23, 2015.

On June 11, 2015, Student submitted a further continuance request because Student would not be available for hearing as his family had a pre-planned family trip. District did not submit a response.

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. Student established good cause for a further continuance due to previously planned family trip. The matter will be set as follows:

Prehearing Conference: July 24, 2015, at 1:00 p.m.

Due Process Hearing: August 4, 2015, at 9:30 a.m., August 5 and 6, 2015, at 9:00 a.m., and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. Matter is assigned to Administrative Law Judge Charles Marson.

IT IS SO ORDERED.

DATE: June 17, 2015

/s/

PETER PAUL CASTILLO
Presiding Administrative Law Judge
Office of Administrative Hearings