

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

WEST COVINA UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2015060686

ORDER GRANTING DISTRICT'S
MOTION FOR CONTINUANCE,
SETTING MEDIATION, PREHEARING
CONFERENCE AND HEARING

On June 30, 2015, West Covina Unified School District filed a motion to continue the mediation, prehearing conference and hearing dates in this matter. This is the first continuance request since the filing of the complaint on June 12, 2015. District represented in its motion that Parent agreed to the proposed continued dates. On July 2, 2015, the Office of Administrative Hearings telephonically confirmed with Parent that Parent does not oppose the continuance to the specified dates.

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 continuance and considered all relevant facts and circumstances, including the parties' collaboration in agreeing upon continued dates. Good cause existing therefore, the request is granted.

All dates are vacated. This matter will be set as follows:

Mediation:

July 22, 2015, at 9:30 AM, at the District's

offices, located at 1717 West Merced Avenue,
West Covina, California 91790.

Prehearing Conference: September 21, 2015, at 3:00 PM.

Due Process Hearing: September 28, 29, 30 and October 1, 2015,
commencing at 9:00 AM, except for the first
day, which shall commence at 1:30 PM. The
hearing shall continue day to day, Monday
through Thursday, as needed at the discretion of
the Administrative Law Judge. The hearing
shall take place at the District's offices, located
at 1717 West Merced Avenue, West Covina,
California 91790.

IT IS SO ORDERED.

DATE: July 03, 2015

/s/

CLIFFORD H. WOOSLEY
Administrative Law Judge
Office of Administrative Hearings