

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

ORANGE UNIFIED SCHOOL DISTRICT.

OAH Case No. 2015070064

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
MEDIATION, PREHEARING
CONFERENCE AND HEARING
DATES

On July 13, 2015, the parties filed a joint request to continue the dates in this matter. This is the first continuance request in the case. However, the parties are requesting a very long continuance. This case was filed on June 12, 2015. The parties are requesting hearing dates in December 2015, almost six months after the date of filing this matter. The parties are requesting the lengthy continuance because they wish to complete assessments and hold an individualized education program team meeting.

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. **There will be no further continuances permitted in this matter.** This matter will be set as follows:

Mediation:	November 12, 2015, at 9:30 AM
Prehearing Conference:	November 30, 2015, at 1:00 PM
Due Process Hearing:	December 8, 9, and 10, 2015, ¹ starting at 9:30 AM, and continuing day to day thereafter, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: July 13, 2015

/s/

SUSAN RUFF
Administrative Law Judge
Office of Administrative Hearings

¹ The parties had also requested December 7, 2015, as a hearing date, but that date is not available. The parties can discuss the scheduling of an additional date for the hearing during the telephonic prehearing conference.