

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

ANAHEIM UNION HIGH SCHOOL
DISTRICT.

OAH Case No. 2015090857

ORDER GRANTING IN PART AND
DENYING IN PART JOINT REQUEST
FOR CONTINUANCE AND SETTING
NEW PREHEARING CONFERENCE
AND DUE PROCESS HEARING
DATES

On October 22, 2015, the parties filed a joint request to continue the prehearing conference and due process hearing dates in this matter. It is the first continuance requested in this case.

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).) The Office of Administrative Hearings 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 parties' request for continuance is granted in part and denied in part. The parties requested that the due process hearing be continued, with requested hearing dates on December 3, 8, and 9. However, the parties have offered no justification or explanation for their request for non-contiguous hearing dates, and no explanation for setting the first day of hearing on a Thursday, and then continuing the hearing the following week. The hearing will therefore be set as follows:

Prehearing Conference: November 20, 2015, at 10:00 a.m.
Due Process Hearing: December 8-10, 2015, starting at 9:30 a.m. on
December 8, and at 9:00 a.m. all other days, and
continuing day to day, Monday through Thursday,
as needed at the discretion of the Administrative
Law Judge.

All presently scheduled dates are hereby vacated.

IT IS SO ORDERED.

DATE: October 22, 2015

/s/

DARRELL LEPKOWSKY
Acting Presiding Administrative Law Judge
Office of Administrative Hearings