

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

NEW HAVEN UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2015100889

ORDER GRANTING JOINT REQUEST
FOR CONTINUANCE OF
PREHEARING CONFERENCE AND
SETTING PREHEARING
CONFERENCE DATE

On December 7, 2015, the parties filed a joint request to continue the prehearing conference in this matter to Friday, December 11, 2015, based upon their having reached an agreement in principal and ongoing drafting of the agreement.

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 based on good cause and considered all relevant facts and circumstances. The request is:

☒ Granted. The PHC date of December 7, 2015, is vacated. This matter will be set as follows:

Prehearing Conference: December 11, 2015 at 1:00 PM

As this Order grants a continuance of the PHC only, the due process hearing date of December 17, 2015, remains unchanged.

IT IS SO ORDERED.

DATE: December 07, 2015

/s/

LISA LUNSFORD
Administrative Law Judge
Office of Administrative Hearings