BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2015090255
v.	ORDER GRANTING REQUEST FOR CONTINUANCE AND SETTING HEARING DATES
VACAVILLE UNIFIED SCHOOL DISTRICT.	

On February 1, 2016, Student filed a request to continue the dates in this matter due to illness on the part of Student's attorney, rendering her unable to work from February 1, 2016 through February 5, 2016. On February 1, 2016, Vacaville Unified School District filed a notice of non-opposition to the request.

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 request is:

☒ Granted. All dates are vacated. In the request for continuance, Student listed a variety of cases and upcoming dates on which her attorney is scheduled to appear in other cases. This matter was filed prior to the cases which are scheduled for the dates below, therefore, this matter will take precedence. This matter will be set as follows:

Due Process Hearing:	February 22, 2016, at 1:30 p.m., February 23, 24 and 25, 2016 at 9:00 a.m., and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

The parties shall immediately notify all potential witnesses of the hearing dates, and shall subpoena witnesses if necessary, to ensure that the witnesses will be available to testify. A witness will not be regarded as unavailable for purposes of showing "good cause" to continue the hearing if the witness is not properly notified of the hearing date or properly subpoenaed, as applicable.

IT IS SO ORDERED.

DATE: February 1, 2016

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Margaret Broussard
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/S/

MARGARET BROUSSARD
Presiding Administrative Law Judge
Office of Administrative Hearings