BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
VISTA UNIFIED SCHOOL DISTRICT,	OAH Case No. 2015010878
v.	CORRECTED[1] ORDER GRANTING REQUEST FOR CONTINUANCE AND SETTING PREHEARING CONFERENCE AND HEARING
PARENT ON BEHALF OF STUDENT.	

On March 9, 2015, the Parents of Student filed requests with the Office of Administrative Hearings to continue the dates in this matter based upon the Vista Unified School District scheduling a Student Attendance Review Board meeting on March 17, 2015, the day before the scheduled start of this hearing and would not give them time to be ready for hearing. On March 12, 2015, District filed a non-opposition to Student's request, and requested that the matter be heard during the week of May 18, 2015.

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:

[1] This order corrects date errors as to request for continuance and Student Attendance Review Board meeting.

☒ Granted. All dates are vacated. Student established good cause for the continuance. This matter will be set as follows:

Prehearing Conference:	May 11, 2014, at 10:00 AM[2]
Due Process Hearing:	May 19, 2015, at 9:30 AM, May 20 and 21, 2015, at 9:00 A.M., and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: March 17, 2015

/s/

PETER PAUL CASTILLO
Presiding Administrative Law Judge
Office of Administrative Hearings

[2] The parties need not file additional PHC statements. Any amendments by either party are due to OAH and the opposing party by 5:00 p.m. on May 6, 2015.