BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
DEL MAR UNION SCHOOL DISTRICT,	OAH Case No. 2015010798
v.	ORDER GRANTING REQUEST FOR CONTINUANCE AND SETTING NEW HEARING DATES
PARENT ON BEHALF OF STUDENT	

On April 17, 2015, Student filed a request to continue the dates in this matter based upon Student's medical treatment (MRI) at UCLA, currently scheduled for April 21, 2015, which conflicts with one of the hearing dates, and Student's search for an attorney to represent him at hearing. On April 20, 2015, District opposed the request based upon the apparent tentativeness of the date for Student's treatment, and the limited duration of the treatment.

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. The motion is granted, because of the calendar conflict due to Student's medical treatment during the week of April 20, 2015. However, Student's search for representation at the hearing does not constitute good cause to

continue, because Student has had ample time to obtain representation. This matter will be set as follows:

Due Process Hearing:	April 27 at 1:30 p.m., April 28 and 29, 2015 at 9:00 a.m., continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: April 20, 2015

/s/

CAROLINE A. ZUK
Administrative Law Judge
Office of Administrative Hearings