BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
BUENA PARK SCHOOL DISTRICT,	OAH CASE NO. 2015010467
v.	ORDER GRANTING REQUEST TO CONTINUE DUE PROCESS HEARING
PARENT ON BEHALF OF STUDENT.	

District filed a request for due process on January 13, 2015. During a prehearing conference on February 6, 2015, OAH granted a first request to continue the due process hearing to agreed dates beginning March 16, 2015. Student was represented by counsel at the prehearing conference. On March 13, 2015, Student's counsel filed a notice of withdrawal. On March 16, 2015, Student appeared and requested a brief continuance so that she could obtain new counsel. The parties agreed to dates for the continued the due process hearing.

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. This matter will be set as follows:

Due Process Hearing:	April 1, 2, and 3, 2015, and April 7 and 8, 2015, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. **NOTE CHANGE IN DATES:** April 3, 2015, is a Friday. The next available day is Tuesday April 7, 2015, because OAH does not set due process hearings on the first Monday of a month.

IT IS SO ORDERED.

DATE: March 16, 2015

/s/

MARIAN H. TULLY
Administrative Law Judge
Office of Administrative Hearings