BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. FRESNO UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2013010033
FRESNO UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH CASE NO. 2012120631 ORDER GRANTING REQUEST FOR CONTINUANCE AND SETTING DUE PROCESS HEARING

On May 21, 2013, Parent, on behalf of Student and Parents (Student), filed a request to continue the dates in this matter. The due process hearing in this matter was set to commence at 1:30 p.m. on May 21, 2013. The undersigned convened a telephonic status conference at approximately 9:45 a.m. on May 21, 2013, in order to consider Student's request for continuance. Parents appeared on behalf of Student. Sang Jin Nam and Melody Hawkins, attorneys at law, appeared on behalf of the Fresno Unified School District (District). The conference was not recorded.

At the status conference, District joined in Student's request. The parties represented that they were engaged in settlement negotiations outside of the Office of Administrative Hearings (OAH) mediation process. The parties provided sufficient information to establish that they were making progress towards a resolution of these consolidated matters.

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:	July 9 – 11 and July 16 – 18, 2013, beginning on July 9, 2013, at 9:30 AM, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

Dated: May 21, 2013

/s/

BOB N. VARMA
Presiding Administrative Law Judge
Office of Administrative Hearings