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. 2012100242
FRESNO UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2012100291 ORDER GRANTING REQUEST FOR CONTINUANCE AND SETTING HEARING DATES

On April 15, 2014, Fresno Unified School District (Fresno) filed a request to continue the dates in this matter. Fresno requested a continuance because its attorney is undergoing a significant surgical procedure on May 5, 2014, and has an estimated recovery time period of seven weeks. The attorney for Fresno submitted a declaration under penalty of perjury supporting the request for continuance. On April 18, 2014, Student filed a non-opposition but asked that the hearing be set on July 7, 2014. Two assessors, contracted by the Office of Administrative Hearings to do assessments in this matter, were contacted via email regarding their availability for hearing dates in July or August 2014. Both assessors are available to testify on July 17, 2014.

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 (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 hearing dates are vacated. All other timelines and dates in the Order After Prehearing Conference dated April 14, 2014, remain. This matter will be set as follows:

Due Process Hearing:	July 17 and 18, 2014, 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: April 18, 2014

/s/

MARGARET BROUSSARD
Administrative Law Judge
Office of Administrative Hearings