BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
TUSTIN UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2013040960
v.	ORDER GRANTING MOTION FOR RECONSIDERATION AND GRANTING FURTHER CONTINUANCE OF PREHEARING CONFERENCE AND DUE PROCESS HEARING
PARENTS ON BEHALF OF STUDENT.	

On May 20, 2013, in response to a contested Motion to Continue brought on behalf of Student, the Office of Administrative Hearings (OAH) issued an Order of Continuance which set a prehearing conference for June 10, 2013, and a due process hearing for June 17 – 20, 2013. On May 24, 2013, counsel for Student filed with OAH a Motion to Reconsider the Order of Continuance. On May 30, 2013, counsel for the Tustin Unified School District filed with OAH an opposition to the Motion to Reconsider.

Student's Motion to Reconsider satisfies the standard for reconsideration which is the showing of new or different facts, circumstances or law justifying reconsideration, in a request brought in a timely manner. (Gov. Code, § 11521.) Here, Student has shown through a medical certificate that her attorney cannot participate in the currently scheduled due process hearing due to knee replacement surgery. Student has also shown that her retained expert witness will not be ready to offer opinions at the time of the currently scheduled trial.

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.) Here, there is good cause to support granting a further continuance of the hearing dates, in that Student's counsel will not be available for the currently scheduled trial, District witnesses will not be available during the summer, and Student's expert will not have his evaluation completed within the next three weeks. Accordingly, Student's request for a further continuance is: Granted. All dates are vacated. This matter will be set as follows:

Mediation:	To be determined by the parties.
Prehearing Conference:	09/06/2013, at 1:00 p.m.
Due Process Hearing:	09/16/2013, at 1:30 p.m.; 09/17/2013; 09/18/2013; 09/19/2013, and continuing day to day, Monday

through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

Dated: May 31, 2013

/s/

TIMOTHY L. NEWLOVE
Presiding Administrative Law Judge
Office of Administrative Hearings