BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: EDUCATIONAL RIGHTS HOLDER ON BEHALF OF STUDENT, v. CONTRA COSTA COUNTY PROBATION DEPARTMENT.	OAH CASE NO. 2013080462 ORDER GRANTING REQUEST FOR CONTINUANCE

On October 29, 2013, the Contra Costa County Probation Department (Probation) made a request to continue the dates in this matter based upon the lack of time between the conclusion of the hearing in Office of Administrative Hearings (OAH) Case Nos. 2013080449 and 2013080471 and the commencement of the hearing, November 12, 2013, in the above-titled case. Student did not oppose a brief continuance and on October 30, 2013, the parties agreed to continued dates.

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:[1]

Prehearing Conference:	November 8, 2013, at 1:00 PM[2]
Due Process Hearing:	November 18, 2013, at 1:30 PM, November 19 through 21, 2013, at 9:00 AM, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

Dated: November 1, 2013

/s/
PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings

[1] The parties agreed that the exchange of documents shall be on November 12, 2013.

[2] Prehearing Conference statements are due on November 6, 2013.