BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. RIVERSIDE UNIFIED SCHOOL DISTRICT AND RIVERSIDE COUNTY OFFICE OF EDUCATION.	OAH CASE NO. 2013010137 ORDER GRANTING REQUEST FOR VACATE HEARING DATE AND CONTINUING DUE PROCESS HEARING

On May 10, 2013, Student's counsel filed with the Office of Administrative Hearings (OAH) a request to vacate the first day of hearing on the grounds that the parties had reached a final settlement and were in the process of obtaining signatures on the settlement agreement. Student's counsel attached a copy of the signature pages showing signature by Parent and Student's counsel.

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. The hearing date of May 13, 2013, is vacated. This matter is continued as follows:[1]

Due Process Hearing:	May 14, 2013, at 1:30 PM, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

Dated: May 13, 2013

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

[1] On May 10, 2013, shortly after 5:00 p.m., the undersigned placed a phone call to both counsels' offices in this matter. The undersigned was able to speak to staff at Student's counsel's office and left a voicemail message for counsel for the Riverside Unified School District and the Riverside Office of Education. All counsel were informed that the motion was being granted, but a written order would not issue until May 13, 2013.