BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2013051152
SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH CASE NO. 2013040629 ORDER GRANTING REQUEST FOR CONTINUANCE AND SETTING MEDIATION/PHC/HEARING

On June 27, 2013, the parties filed a first stipulated request to continue the PHC and hearing dates in this matter. The request did not mention the existing mediation date, which OAH has interpreted as a request to keep the current mediation date in place.

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:

Mediation:	July 18, 2013 at 9:30 AM [No change.]
Prehearing Conference:	September 23, 2013 at 10:00 AM
Due Process Hearing:	September 30, 2013, October 1-3, 7-10, 2013 at 1:30 PM first day, 9:30 AM all other days, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. [NOTE: OAH has calendared October 3, 2013 as a hearing date. If the parties need to go dark that day, they should raise the issue with the ALJ at the PHC and be prepared to discuss good cause for doing so.]

IT IS SO ORDERED.

Dated: June 27, 2013

/s/

RICHARD T. BREEN
Presiding Administrative Law Judge
Office of Administrative Hearings