BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
VISTA UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2013070169
v.	ORDER GRANTING REQUEST FOR CONTINUANCE AND SETTING MEDIATION, PREHEARING CONFERENCE AND DUE PROCESS HEARING
PARENT ON BEHALF OF STUDENT.	

On September 17, 2013, Parent on behalf of Student filed a request to continue the dates in this matter, based upon her inability to attend the scheduled mediation. Further, this continuance allows Parent sufficient time to arrange child care assistance to allow her to attend the mediation and due process hearing. On September 20, 2013, the District filed a notice of non-opposition to Student's request for continuance.

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:	October 8, 2013 at 9:30 AM
Prehearing Conference:	October 28, 2013 at 10:00 AM

Due Process Hearing:	November 4, 5, 6, and 7, 2013 at 1:30 PM on Monday and 9:30 AM, continuing day to day, Tuesday through Thursday, as needed at the discretion of the Administrative Law Judge.

The mediation and due process hearing shall take place at the District's offices located at 1234 Arcadia Avenue, Vista, CA 92084.

IT IS SO ORDERED.

Dated: September 20, 2013

/s/

JUDITH PASEWARK
Administrative Law Judge
Office of Administrative Hearings