BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. RIVERSIDE COUNTY OFFICE OF EDUCATION,	OAH CASE NO. 2013040771
PARENT ON BEHALF OF STUDENT, v. RIVERSIDE COUNTY OFFICE OF EDUCATION.	OAH CASE NO. 2013080367 ORDER GRANTING REQUEST FOR CONTINUANCE; SETTING DUE PROCESS HEARING

On October 28, 2013, a due process hearing was convened in this matter in Perris, California, before Administrative Law Judge (ALJ) Paul H. Kamoroff, Office of Administrative Hearings (OAH).[1] Tania Whiteleather, Attorney at Law, and Punam Grewal, Attorney at Law, appeared on behalf of Student and Student's parent (Student). Jack Clarke, Jr., Attorney at Law, and Cathy Holmes, Attorney at Law, appeared on behalf of the Riverside County Office of Education (COE). Student's mother was present during the hearing. Dr. Ken Wesson, administrator for the Riverside County Special Educational Local Plan Area, and Anne Vessey, administrator for the COE, were also present. The hearing was recorded.

The ALJ received opening statements and testimony from Dr. Wesson. Student requested that the remainder of the hearing be continued to November 6, 2013, because Student's attorneys were required to appear in a Superior Court matter for Student on October 29, 30 and 31, 2013. The COE did not oppose Student's request.

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. §

[1] The due process hearing was continued, sua sponte, from October 21 to October 28, 2013, to permit the parties time to complete the terms of a prior OAH order.

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. Here, trial counsels are engaged in another trial and therefore the request is granted.

ORDER

1. Student's motion to continue is granted.

2. The due process hearing is continued to November 6 and 7, 2013, and day by day thereafter, Monday through Thursday, at the discretion of the ALJ. The hearing shall begin at 9:30 a.m. on the first day of hearing, and at 9:00 a.m. each subsequent day.

3. The 45-day time line to issue a decision is tolled
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Dated: October 31, 2013

/s/
PAUL H. KAMOROFF
Administrative Law Judge
Office of Administrative Hearings