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. 2013080471 ORDER GRANTING REQUEST FOR CONTINUANCE

On October 2, 2013, during the jurisdictional hearing, the Contra Costa County Probation Department (CCCPD) made an oral request to continue the dates in this matter based upon Student's recent settlement agreement with the Contra Costa County Office of Education and to avoid the need to prepare for the hearing presently scheduled for October 14 through 17, 2013, if it is determined that CCCPD is not a responsible public agency. Student, on the record, opposed the request based upon Student's right to a timely decision.

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).) The Office of Administrative Hearings (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. CCCPD demonstrated good cause for a brief continuance because of the unnecessary cost to it and OAH to prepare for hearing if OAH determines that CCCPD is not a responsible public agency and the matter dismissed. This matter will be set as follows:

Prehearing Conference:	October 21, 2013, at 3:00 p.m.
Due Process Hearing:	October 28, 2013, at 1:30 p.m., October 29, 2013 through November 1, 2013, at 9:00 a.m., and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

Dated: October 4, 2013

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