BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
PARENT ON BEHALF OF STUDENT,	OAH CASE NO. 2013040589
v.	ORDER GRANTING REQUEST FOR CONTINUANCE AND SETTING PREHEARING CONFERENCE AND HEARING
SAN LORENZO UNIFIED SCHOOL DISTRICT.	

On May 1, 2013, Student filed a request with the Office of Administrative Hearings (OAH) to continue the dates in this matter because his representative will be out of the state on a previously planned vacation on the date the prehearing conference (PHC) is set, June 10, 2013. Student is also asking for a brief continuance of the due process hearing currently set to begin June 17, 2013.[1] The San Lorenzo Unified School District (District)'s representative has advised OAH that the District does not oppose the 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. § 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

[1] On April 25, 2013, a previous request for continuance from Student was denied because there was no indication that Student and the District had met and conferred on setting new dates. The current continuance was accompanied by a copy of a letter Student sent to the District with suggested dates for the PHC and the due process hearing. Student's representative is urged to consult the OAH guide to understanding special education due process hearings which can be found on the OAH website, and if the parties can agree to dates for continuance, to use the form for a joint request for continuance that can also be found on the OAH website and is served on the parties with the initial OAH scheduling order.

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 dates currently set for hearing were chosen by OAH without input from the parties following an OAH order allowing Student to file an amended complaint. The preplanned vacation by Student's representative conflicts with the date currently set for the PHC and constitutes good cause for a brief continuance. The dates for the PHC and hearing are vacated. This matter will be set as follows:

Mediation:	May 29, 2013, at 9:30 a.m. is confirmed
Prehearing Conference:	June 17, 2013, at 1:30 p.m.
Due Process Hearing:	June 25, 2013, at 9:30 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: May 9, 2013

/s/

REBECCA FREIE
Administrative Law Judge
Office of Administrative Hearings