

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SANTA CLARA UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2012060976

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
MEDIATION, PREHEARING
CONFERENCE AND HEARING

On August 6, 2012, the Office of Administrative Hearings (OAH) granted the parties' continuance request of the initially set dates. On September 24, 2012, OAH granted a second continuance request. On October 11, 2012, OAH granted a third continuance request because the parties had reached an interim agreement, which called for an independent assessment by the California Diagnostic Center.

On January 7, 2013, the parties filed a joint request to continue the dates in this matter because the California Diagnostic Center had not completed its assessment.

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. The continuance request is reluctantly granted based on the delay with the California Diagnostic Center completing the independent assessment as this matter has been pending since June 25, 2012, and OAH has granted three prior continuances. No further continuances shall be granted. This matter will be set as follows:

Mediation:	January 23, 2013, at 1:00 PM
Prehearing Conference:	February 25, 2013, at 1:30 PM
Due Process Hearing:	March 11, 2013, at 1:30 PM
	March 12, 13, 14 and 15, 2013, at 9:00 AM

IT IS SO ORDERED.

Dated: January 8, 2013

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings