

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

SOUTH PASADENA UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2012120781

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

On December 27, 2012, South Pasadena Unified School District [District] filed a request for due process. On January 7, 2013, Student filed a Notice of Representation of Counsel. On January 10, 2013, the parties jointly filed a request to continue the dates in this matter.

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.

Mediation:	February 19, 2013, at 9:30 AM
Prehearing Conference:	April 15, 2013, at 10:00 AM
Due Process Hearing:	April 22, 2013, at 1:30 PM, and April 23, 24, and 25,

2013, at 9:00 AM, and continuing day to day, Monday through Thursday, as needed, at the discretion of the Administrative Law Judge.

[NOTE: Given the length of the continuance , further continuances are disfavored, and given the amount of time available between this Order and the due process hearing, continuance requests based upon ongoing settlement discussions, assessments, IEP's or scheduling conflicts will not be considered good cause.]

IT IS SO ORDERED.

Dated: January 11, 2013

/s/

EILEEN M. COHN
Administrative Law Judge
Office of Administrative Hearings