

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

REDLANDS UNIFIED SCHOOL
DISTRICT AND EAST VALLEY SELPA,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2012120715

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING NEW
STIPULATED HEARING DATES

On January 14, 2013, the parties filed a stipulated request to continue the hearing dates in this matter based upon the parties' unavailability on one of the two hearing dates. The parties' stipulated request is the first request for a continuance. A prehearing conference was held on January 9, 2013. The parties stipulated to continue the hearing to February 19, through 21, 2013.

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. This matter will be set as follows:

Due Process Hearing: February 19, 2013, February 20, and February 21, 2013, at 9:30 AM, and continuing day to day thereafter, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

[NOTE: Based upon the stipulation that the parties and their counsel will be available, and the timing of the continuance after the prehearing conference, where the parties should have been prepared to notify the ALJ of their availability, any further continuances based upon the unavailability of the parties or their counsel will be disfavored as grounds for good cause.]

IT IS SO ORDERED.

Dated: January 15, 2013

/s/

EILEEN M. COHN
Administrative Law Judge
Office of Administrative Hearings