

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENT ON BEHALF OF STUDENT,	OAH CASE NO. 2012090744
v.	
VICTOR VALLEY UNION HIGH SCHOOL DISTRICT,	
VICTOR VALLEY UNION HIGH SCHOOL DISTRICT,	OAH CASE NO. 2012070653
v.	
PARENT ON BEHALF OF STUDENT.	ORDER GRANTING REQUEST FOR CONTINUANCE AND SETTING PHC/HRG

On January 16, 2013, District filed a request to continue the dates in this matter on the ground that the current dates conflict with OAH training. District suggested dates approximately 30 days in the future. On January 17, 2013, Student filed an opposition on the ground that District had not checked the dates with Student's Mother and that Student's Mother was concerned that any date set allow sufficient time for subpoenas if needed. Student's Mother did not expressly state that she was unavailable, nor did she offer alternative dates.

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. Due to a conflict with OAH's calendar and training requirements, good cause has been demonstrated for a continuance. This matter will be set as follows:

Mediation: N/A

Prehearing Conference: February 13, 2013 at 1:30 PM

[The parties shall be prepared to discuss whether additional, specific hearing dates are needed.]

Due Process Hearing: February 19-21, 2013 at 1:30 PM first day, 9:30 AM other days, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

Dated: January 17, 2013

/s/

RICHARD T. BREEN
Presiding Administrative Law Judge
Office of Administrative Hearings