

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH CASE NO. 2012110608

v.

FRESNO UNIFIED SCHOOL DISTRICT,

FRESNO UNIFIED SCHOOL DISTRICT,

OAH CASE NO. 2012110688

v.

PARENT ON BEHALF OF STUDENT.

ORDER GRANTING REQUEST TO
RESET PREHEARING CONFERENCE

On January 8, 2013, the parties filed a request to reset the currently calendared prehearing conference (PHC) of January 23, 2013, to January 22, 2013. The parties do not seek to continue the due process hearing date. The Office of Administrative Hearings (OAH) does not schedule PHC's on Tuesdays, the currently requested day for the PHC.

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. The prehearing conference in this matter is reset to **January 16, 2013, at 1:30 p.m.** All other dates remain as calendared.

IT IS SO ORDERED.

Dated: January 9, 2013

/s/

BOB N. VARMA
Presiding Administrative Law Judge
Office of Administrative Hearings