

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

CERES UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2012100443

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

On January 31, 2013, the parties filed a request with the Office of Administrative Hearings (OAH) to continue the dates in this matter. This matter was previously continued. On February 1, 2013, OAH denied the continuance request because the parties provided no grounds to establish good cause for a further continuance.

On February 1, 2013, the parties filed a joint request to continue the dates in this matter based upon a delay in holding an individualized educational program (IEP) team meeting due to the assessor's unavailability.

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 parties established good cause for a brief continuance to have the needed IEP team meeting to discuss the findings of the agreed upon assessment. No further continuances will be granted. This matter will be set as follows:

Mediation:	March 5, 2013, at 9:30 AM
Prehearing Conference:	March 6, 2013, at 1:30 PM
Due Process Hearing:	March 18, 2013, at 1:30 PM, and March 19 – 22, 2013, at 9:00 AM

IT IS SO ORDERED.

Dated: February 4, 2013

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings