

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SANTA MONICA-MALIBU UNIFIED
SCHOOL DISTRICT.

OAH CASE NO. 2012120021

ORDER GRANTING/DENYING
REQUEST FOR CONTINUANCE AND
SETTING MED/TSC/PHC/HRG

On February 25, 2013, the parties filed a joint request to continue the mediation, prehearing conference, and hearing dates in this matter. This is the first request for a continuance since issuance of the initial scheduling order following the filing of the amended complaint on January 10, 2013. The parties state they are awaiting completion of assessments which will enable them to knowledgeably participate in mediation.

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 continuance and considered all relevant facts and circumstances, including the parties' collaboration in agreeing upon continued dates. Good cause existing therefore, the request is granted.

All dates are vacated. This matter will be set as follows:

Mediation: **9:30 a.m., April 25, 2013**, at the District offices, located at **1651 16th St, Santa Monica, CA 90404**.

Prehearing Conference: **May 6, 2013, at 1:30 p.m.**

Due Process Hearing: **May 13, 14, 15, and 16, 2013**, commencing at 1:30 p.m. on the first day of hearing, and 9:30 a.m. on all remaining days, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. The hearing will take place at the District offices, located **1651 16th St, Santa Monica, CA 90404**.

IT IS SO ORDERED.

Dated: February 25, 2013

/s/

CLIFFORD H. WOOSLEY
Administrative Law Judge
Office of Administrative Hearings