

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LONG BEACH UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2013010244

ORDER GRANTING JOINT FIRST
REQUEST FOR CONTINUANCE AND
SETTING PREHEARING
CONFERENCE AND HEARING

On February 26, 2013, the parties filed a joint first request to continue the dates in this matter based in part on the unavailability of Student's experts. The parties stipulated to the dates set for the continued prehearing conference and due process hearing.

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 joint request for continuance is:

☒ Granted. All dates are vacated.

Prehearing Conference: May 8, 2013, at 10 AM
Due Process Hearing: May 20, 2013, at 1:30 PM, and May 21 through 23,

and May 28 through 30, at 9:30 AM, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge

[NOTE: The parties are required to secure the availability of their witnesses, including expert witnesses, for the stipulated continued dates. Absent exigent circumstances, witness unavailability shall not constitute good cause for a further continuance.]

IT IS SO ORDERED.

Dated: February 26, 2013

/s/

EILEEN COHN
Administrative Law Judge
Office of Administrative Hearings