

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENT ON BEHALF OF STUDENT,	OAH CASE NO. 2012120052
v.	
LOOMIS ELEMENTARY SCHOOL DISTRICT,	
LOOMIS ELEMENTARY SCHOOL DISTRICT,	OAH CASE NO. 2012110454
v.	
PARENT ON BEHALF OF STUDENT.	ORDER GRANTING REQUEST FOR CONTINUANCE AND SETTING NEW HEARING DATES

Hearing in this matter is set to begin on February 12, 2013. On February 7, 2013, the parties filed with the Office of Administrative Hearings (OAH) a joint request to continue the hearing dates based upon the recent illness of Student's counsel who has the flu. Counsel for Student represents she is unable to prepare for hearing and may not be well enough to attend hearing on the currently set 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 parties are requesting a short continuance and this matter was originally filed within the past 90 days. The request is:

☒ Granted. The PHC will remain as previously set and all hearing dates are vacated. This matter will be set as follows:

Prehearing Conference:	February 11, 2013 at 10:00 AM
Due Process Hearing:	February 25, 2013 at 1:30 PM, February 26 through 28, 2013 at 9:30 AM, and March 4, 2013 at 1:30 PM.

IT IS SO ORDERED.

Dated: February 7, 2013

/s/

THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings