

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

LUCIA MAR UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2013010704

ORDER GRANTING JOINT REQUEST
FOR CONTINUANCE AND SETTING
HEARING DATES

This matter is currently scheduled for a due process hearing on March 18 through 19, 2013 and a prehearing conference (PHC) on March 11, 2013. On February 14, 2013, the parties filed a joint request to continue the first day of hearing due to a scheduling conflict for Student's counsel on the first day of hearing. Student's counsel is scheduled to appear in the United States District Court for the Central District of California in Los Angeles on March 18, 2013. The parties request that the hearing be calendared for March 19 through 20, 2013. There has been one prior continuance in this matter.

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 parties are requesting a one day delay in the commencement of the hearing and have established good cause. The PHC will remain as previously calendared. This matter will be set as follows:

Prehearing Conference:	March 11, 2013 at 1:30 PM
Due Process Hearing:	March 19, 2013 at 9:30 AM, and March 20, 2013 at 9:00 AM, unless otherwise ordered, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

Dated: February 15, 2013

/s/

THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings