

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

PASADENA UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2012090763

ORDER GRANTING THIRD REQUEST
FOR A CONTINUANCE [NO
FURTHER] AND SETTING PHC/HRG

On March 5, 2013, the parties filed a third stipulated request for a continuance. The parties labeled it as a “second” request, however the parties already had been granted two lengthy continuances, one at mediation, and one at the first prehearing conference. As of the time the request was filed, a prehearing conference was scheduled for March 20, 2013, and hearing was scheduled for April 2-4, 2013. The main reasons given for the third request were: 1) that Student’s counsel believes that District has not fully responded to a June of 2012 educational records request and a December of 2012 Public Records Act request; and 2) Student and family are no longer available to attend the hearing as scheduled.

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. No further continuances are contemplated for any reason given the age of this matter. The parties have had more than ample time to prepare for hearing and pursue compliance with document requests. Any remaining issues regarding alleged non-compliance with document requests and the impact, if any, on the hearing, should be brought as prehearing motions to be addressed at the prehearing conference. This matter will be set as follows:

Mediation:	Not requested.
Prehearing Conference:	April 9, 2013 at 1:30 PM
Due Process Hearing:	April 22-25, 2013 at 1:30 PM first day, 9:30 AM other days, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

Dated: March 06, 2013

/s/

RICHARD T. BREEN
Presiding Administrative Law Judge
Office of Administrative Hearings