

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENTS ON BEHALF OF STUDENT,	OAH CASE NO. 2013020654
v.	
MONTEBELLO UNIFIED SCHOOL DISTRICT,	
MONTEBELLO UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2013030070
v.	
PARENTS ON BEHALF OF STUDENT.	ORDER GRANTING JOINT REQUEST FOR CONTINUANCE AND SETTING MEDIATION, PREHEARING CONFERENCE, AND HEARING

The Office of Administrative Hearings (OAH) consolidated these matters by order dated March 11, 2013. On March 25, 2013, the parties filed a joint request to set the consolidated matters for mediation and to continue the prehearing conference (PHC) and hearing. This is the first request for a continuance since the initial filing of the complaint in either 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 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.

The mediation, PHC, and hearing dates are set as follows:

Mediation: **May 9, 2013, at 9:30 AM.**

Prehearing Conference: **June 3, 2013, at 1:30 PM.**

Due Process Hearing: **June 11, 12, 13, 18, 19, and 20, 2013** at 1:30 p.m. the first day of hearing and at 9:30 AM each day thereafter. The hearing shall take place at the District's offices, located at 123 S. Montebello Blvd., Montebello, CA 90640. The hearing shall continue day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

Dated: March 25, 2013

/s/

CLIFFORD H. WOOSLEY
Administrative Law Judge
Office of Administrative Hearings