

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

CORONADO UNIFIED SCHOOL
DISTRICT.

OAH CASE NOs. 2013070015 and
2013030512

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
PREHEARING CONFERENCE AND
DUE PROCESS HEARING

On September 3, 2013, Parent, on behalf of Student, filed with the Office of Administrative Hearings (OAH) a request to continue and reset the currently scheduled hearing dates in these consolidated cases, based upon the recent health problems and hospitalization of Student. On September 4, 2013, counsel for the District filed with OAH an opposition to the continuance request.

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. Here, Student's health problems and hospitalization is good cause for a further continuance of the case. This matter will be set as follows:

Mediation:	To be determined by the parties.
Prehearing Conference:	10/21/2013, at 3:00 p.m.

Due Process Hearing: 10/29/2013; 10/30/2013; 10/31/2013, and
continuing day to day, Monday through Thursday,
as needed at the discretion of the Administrative
Law Judge.

IT IS SO ORDERED.

Dated: September 05, 2013

/s/

TIMOTHY L. NEWLOVE
Presiding Administrative Law Judge
Office of Administrative Hearings