

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

COMPTON UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2013040076

ORDER GRANTING ONE-DAY
CONTINUANCE, AND VACATING
FIRST HEARING DATE

On September 9, 2013, Student's counsel advised the Office of Administrative Hearings (OAH) that the parties were close to settling this matter, which is set for its first hearing day tomorrow, September 10, 2013, and which is scheduled to continue through September 12, 2013, and on September 19, 2103. To enable the parties to complete their settlement documentation, this matter is hereby continued for one day, and will now commence on Wednesday, September 11, 2013 at 9:00 a.m., unless dismissed or withdrawn prior thereto.

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 relevant facts and circumstances. The matter is hereby continued.

☒ September 10, 2013 is vacated. This matter is set as follows:

Due Process Hearing: September 11-12, and 19, 2013 at 9:00 AM, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

Dated: September 09, 2013

/s/

JUNE R. LEHRMAN
Administrative Law Judge
Office of Administrative Hearings