

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

OAKLAND UNIFIED SCHOOL
DISTRICT SELPA,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2013070844

ORDER GRANTING REQUEST FOR
CONTINUANCE

On August 12, 2013, a prehearing conference was held in this matter, and it was ordered that the hearing in this matter begin on October 1, 2013, and continue on October 2-4, and 7-8, 2013. On September 27, 2013, the attorney for Student notified the Office of Administrative Hearings (OAH) that the parties have reached an agreement in principal to settle the case, and asked that the hearing not begin until October 2, 2013, so that the parties could continue to work on finalizing a written settlement agreement. Student's attorney indicated that the District did not object. OAH has deemed this letter to be a joint request for continuance.

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 date of October 1, 2013, for the first day of

hearing is vacated, and the matter shall now be set to commence on October 2, 2013, at 9:30 a.m. All other dates shall remain as currently set.

IT IS SO ORDERED.

Dated: September 27, 2013

/s/

REBECCA FREIE
Administrative Law Judge
Office of Administrative Hearings