

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 AND SETTING DUE
PROCESS HEARING DATES

The due process hearing in this matter is calendared to start on October 2, 2013. On September 30, 2013, the parties jointly requested a continuance to a time after October 17, 2013, so that the parties could continue to work on finalizing a written settlement agreement. The parties represent that they have arrived at an agreement in principle, and that he District's attorney will be absent from her office for several days in the first two weeks of October, 2013, and unable to finalize the settlement until sometime after October 17, 2013.

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 current hearing dates are vacated. The matter shall now be set to commence on October 29, 2013, at 9:30 a.m., and continue on October 30 and 31 and November 5 and 6, 2013, and from day to day thereafter at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

Dated: September 30, 2013

/s/

CHARLES MARSON
Administrative Law Judge
Office of Administrative Hearings