

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

AMADOR COUNTY UNIFIED SCHOOL
DISTRICT AND AMADOR COUNTY
OFFICE OF EDUCATION.

OAH CASE NO. 2013101061

ORDER GRANTING REQUEST FOR
CONTINUANCE OF DUE PROCESS
HEARING

On December 5, 2013, Amador County Unified School District (District) and Amador County Office of Education (County) filed a request to continue the dates in this matter with the Office of Administrative Hearings (OAH) based upon the unavailability of witnesses for the hearing that is scheduled to commence on December 24, 2013. On December 10, 2013, Student opposed the request, but provided no explanation for the opposition.

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. The District and County established good cause for the continuance of the due process hearing based on unavailability of witnesses

during the holiday break, while Student provided no reason to oppose the request. This matter will be set as follows:

Due Process Hearing: January 6, 2014, at 1:30 PM, January 7, 8 and 9, 2014, 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: December 11, 2013

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings