

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ETIWANDA SCHOOL DISTRICT.

OAH CASE NO. 2013120121

ORDER GRANTING INITIAL JOINT
REQUEST FOR CONTINUANCE AND
SETTING MED/ PHC/HRG

On December 16, 2013, the parties jointly filed an initial request to continue the dates in this matter. The initial hearing date is set for January 28, 2014.

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 requested dates are within ninety days of the initial hearing date, and therefore the request is reasonable. The new dates are:

Mediation: January 29, 2014 at 9:30 AM
Prehearing Conference: April 4, 2014 at 10:00 AM. **PLEASE NOTE
CHANGE OF DATE:** requested date,
March 31, 2014, is a State holiday and OAH is dark.
Due Process Hearing: April 15, 2014 at 9:30 a.m., April 16 and 17, 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 16, 2013

/s/

ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings