BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
PARENTS ON BEHALF OF STUDENT,	OAH CASE NO. 2013110547
v.	ORDER GRANTING REQUEST FOR CONTINUANCE AND SETTING HEARING AND PREHEARING CONFERENCE DATES
IRVINE UNIFIED SCHOOL DISTRICT.	

On December 17, 2013, the Irvine Unified School District (District) filed a request to continue the dates in this matter because the District staff will be on winter break during the date currently set for hearing (January 7, 2013). The District requests that three dates be set for the hearing: February 25, 26, and 27, 2014. In the moving papers, the District lists the due process hearing and mediation commitments of the District's counsel in January and February, and explains that February 25, 26, and 27, 2014, are the earliest available dates. No previous continuance has been granted in this matter.

On December 20, 2013, Student filed a response to the motion. Student does not object to a short continuance, but objects to a delay until February and requests hearing dates during the week of January 21, 2014. On December 20, 2013, the District filed a reply, explaining that neither District staff nor the District's counsel would be available during that week in January due to commitments in other due process cases.

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.

Prehearing Conference:	February 10, 2014, at 10:00 AM
Due Process Hearing:	February 25, 26, and 27, at 9:30 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 23, 2013

/s/

SUSAN RUFF
Acting Presiding Administrative Law Judge
Office of Administrative Hearings