BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: LONG BEACH UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH CASE NO. 2013120124 ORDER FOLLOWING PRE-HEARING CONFERENCE AND GRANTING FIRST CONTINUANCE

On December 20, 2013, a telephonic prehearing conference (PHC) was held before Administrative Law Judge (ALJ) June R. Lehrman, Office of Administrative Hearings (OAH). Cynthia Yount, Attorney at Law, appeared on behalf of District. No appearance was made for Student, after several attempts to reach Student's father (Father) at the telephone number on file. The PHC was recorded.

On December 18, 2013, District filed a request for a first continuance in this matter on the grounds of unavailability for the currently scheduled hearing day, December 26, 2013. District's motion indicated that Father had not responded to District's attempts to reschedule for mutually agreeable dates. At the PHC, District's counsel Ms. Yount represented that District had sent Father a certified letter, return receipt requested, on December 11, 2013, to which there had been no response.

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. Accordingly, all dates are continued and this matter is calendared as follows:

Prehearing Conference:	February 10, 2014 at 10:00 AM.
Due Process Hearing:	February 18-20, 2014, and continuing day to day, Monday through Thursday as needed at the discretion of the ALJ. The hearing shall begin each day at 9:00 a.m. and end at 4:30 p.m. with the exception of the first day of hearing, on which day the hearing shall begin at 1:30 p.m., unless otherwise ordered.

IT IS SO ORDERED.

Dated: December 20, 2013

/s/

JUNE R. LEHRMAN
Administrative Law Judge
Office of Administrative Hearings