BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. MCKINLEYVILLE UNION SCHOOL DISTRICT AND HUMBOLDT COUNTY OFFICE OF EDUCATION	OAH CASE NO. 2013080004
HUMBOLDT COUNTY OFFICE OF EDUCATION, v. PARENT ON BEHALF OF STUDENT.	OAH CASE NO. 20103051098 ORDER GRANTING REQUEST FOR CONTINUANCE

On August 20, 2013, the parties filed a joint request with the Office of Administrative Hearings (OAH) to continue the initially set prehearing conference and hearing dates in this matter.

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 prehearing conference and hearing dates are vacated, and mediation shall proceed as scheduled. This matter will be set as follows:

Prehearing Conference:	October 18, 2013, at 10:00 AM
Due Process Hearing:	October 28 through 31, 2013. The hearing shall begin at 9:00 a.m. and end at 5:00 p.m., except for October 28, 2013, when the hearing shall begin at 1:30 p.m., unless otherwise ordered, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

Dated: August 21, 2013

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings