

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

TUSTIN UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2012050520

ORDER GRANTING REQUEST FOR  
CONTINUANCE AND SETTING  
PREHEARING CONFERENCE AND  
DUE PROCESS HEARING DATES

On June 22, 2012, Student, through his parents, and the Tustin Unified School District filed a joint initial request to continue the dates in this matter. The parties requested a continuance of the prehearing conference and of the due process hearing but did not request a continuance of the mediation, which date the parties have previously cancelled.

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. Since this is an initial joint request for continuance, the request is:

Granted. The present prehearing conference and due process hearing dates are vacated. No mediation date will be scheduled unless the parties contact OAH to re-schedule one. This matter will be set as follows:

Prehearing Conference: November 5, 2012, at 1:30 p.m.

Due Process Hearing: November 13-15, 2012, starting at 1:00 p.m. on  
November 13 (Monday, November 12, 2012, is a  
state holiday.)

IT IS SO ORDERED.

Dated: June 25, 2012

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DARRELL LEPKOWSKY  
Administrative Law Judge  
Office of Administrative Hearings