

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

MURRIETA VALLEY UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2012050628

ORDER GRANTING JOINT REQUEST
FOR CONTINUANCE AND
RESCHEDULING MED/PHC/HRG
DATES

Student filed a request for due process on May 15, 2012, naming the Murrieta Valley Unified School District (District). On June 26, 2012, the parties filed a joint request to continue the dates in this matter, based upon the unavailability of District employees for the presently scheduled hearing. The parties also cite the fact that the District will begin assessing Student once the new school year begins and the parties wish to have the assessments completed and have the opportunity to review the assessment before attempting to resolve the issues at mediation.

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).) The Office of Administrative Hearings (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. This matter will be set as follows:

Mediation: October 23, 2012, at 9:30 a.m.

Prehearing Conference: November 19, 2012, at 10:00 a.m.

Due Process Hearing: November 26-29, 2012, beginning 1:00 p.m. on November 26 and at 9:00 a.m. all other days, unless otherwise order.

IT IS SO ORDERED.

Dated: June 26, 2012

/s/

DARRELL LEPKOWSKY
Administrative Law Judge
Office of Administrative Hearings