

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ALHAMBRA SCHOOL DISTRICT.

OAH CASE NO. 2012080207

ORDER GRANTING FIRST REQUEST
FOR CONTINUANCE AND SETTING
MED/PHC/HRG

On September 7, 2012, the parties filed a first stipulated request for a continuance of the hearing and PHC dates. The request made no mention of an upcoming mediation, so OAH assumes the parties wish to keep the September 12, 2012 mediation date.

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. This matter will be set as follows:

Mediation: September 12, 2012 at 9:30 AM (No change.)

Prehearing Conference: November 7, 2012 at 1:30 PM

Due Process Hearing: November 13-15, 19-21, 26-28, 2012 at 9:00 AM, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

(Note that additional days added. The parties requested that the hearing dates be continued more than one week apart and should be prepared to discuss at the PHC why the hearing should not proceed on November 19-21, 20-12, as requested.)

IT IS SO ORDERED.

Dated: September 10, 2012

/s/

RICHARD T. BREEN
Presiding Administrative Law Judge
Office of Administrative Hearings