

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

KEYES UNION ELEMENTARY SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2012110244

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
MEDIATION, PREHEARING
CONFERENCE AND HEARING
DATES

On January 9, 2013, the Keyes Union Elementary School District (District) filed a “Notice Regarding Hearing Date,” with the Office of Administrative Hearings (OAH) which is deemed a motion to continue. Student has not responded.

The District’s motion is the result of OAH inadvertently scheduling the due process hearing in this matter for dates when OAH is not conducting hearings. When District was notified that OAH was intending to change the dates, it requested specific dates in February, which constitutes the motion to continue.

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.

Mediation: February 7, 2013, at 9:30 a.m.
Prehearing Conference: February 18, 2013, at 1:30 p.m.
Due Process Hearing: February 26-28, 2013, starting at 9:30 a.m. on
February 26, 2013. If hearing does not conclude on
February 28, 2013, it will continue day to day,
Monday through Thursday as needed, at the
discretion of the Administrative Law Judge.

IT IS SO ORDERED.

Dated: January 18, 2013

/s/

REBECCA FREIE
Administrative Law Judge
Office of Administrative Hearings