

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

CORONADO UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2013030512

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

On April 5, 2013, Mother, on behalf of Student, filed a request to continue the dates in this matter on various grounds, including unavailability of Father and time needed to obtain legal representation for Student. Father is currently deployed in the Middle East and is not due to return until July 2013. Accordingly, Mother requests this matter be continued until return of Father.

On April 9, 2013, the Coronado Unified School District (District) filed an opposition to Student's request. District does not oppose the continuance, but opposes the length of the requested continuance. District contends that it will have difficulty producing witnesses if the matter is set during the summer of 2013. It further asserts that it has a right to a speedy resolution.

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. This matter involves issues as to whether District has properly assessed Student and offered her a free appropriate public education. Student shall be granted reasonable leave to obtain legal counsel. All dates are vacated. This matter will be set as follows:

Mediation:	May 9, 2013, at 9:30 AM
Prehearing Conference:	May 20, 2013, at 10:00 AM
Due Process Hearing:	May 29 – 30, 2013, at 9:30 AM, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

Dated: April 11, 2013

/s/

BOB N. VARMA
Presiding Administrative Law Judge
Office of Administrative Hearings