

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SANTA MONICA-MALIBU UNIFIED
SCHOOL DISTRICT.

OAH CASE NO. 2013040167

ORDER GRANTING/DENYING
REQUEST FOR CONTINUANCE AND
SETTING MED/TSC/PHC/HRG

On October 14, 2013, the parties jointly filed a request to continue the dates in this matter on the ground that they wanted additional time to participate in mediation and attempt to resolve the matter before hearing. The parties seek a continuance of the hearing dates to January 29, 30, February 3-6, 10 and 12, 2014, on the ground that District is unavailable because of scheduling conflicts until that time.

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. Because the parties have requested a first continuance extending beyond 90 days of the initial hearing date set following Student's amended complaint, OAH does not contemplate any further continuances. The parties should have sufficient time to resolve the matter in the time provided below.

Mediation: November 6, 2013 at 9:30 AM
Prehearing Conference: January 10, 2014 at 1:00 PM. **Please note that January 20, 2014 (requested by the parties) is a Federal holiday and OAH is dark. OAH is also dark the week of January 13 – 17, 2014 for training.**
Due Process Hearing: January 29, 30, February 3-6, and 10-13, 2014, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. The first day of hearing will start at 9:30 a.m.; hearing on February 3 and February 10 will start at 1:30 p.m. All other days will start at 9:00 a.m., unless otherwise ordered by the hearing ALJ.

IT IS SO ORDERED.

Dated: October 14, 2013

/s/

ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings