

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:  PARENT ON BEHALF OF STUDENT,  v.  ANAHEIM CITY SCHOOL DISTRICT,	OAH CASE NO. 2013041186
ANAHEIM CITY SCHOOL DISTRICT,  v.  PARENT ON BEHALF OF STUDENT.	OAH CASE NO. 2013051015  ORDER GRANTING REQUEST FOR CONTINUANCE AND SETTING PHC AND HEARING

On May 30, 2013, the parties filed a joint request to continue the dates in this matter. This is the first request for continuance made in this case.

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 in the consolidated cases are vacated. This consolidated matter will be set as follows:

Mediation:	The parties can contact Sacramento OAH to arrange a mutually convenient mediation date.
Prehearing Conference:	August 19, 2013, at 10:00 AM <sup>1</sup>
Due Process Hearing:	September 3, 4, 5, 9, 10, 11 and 12, 2013, starting at 1:30 p.m. on September 3, 2013, and 9:30 a.m. on all other days, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

Dated: May 30, 2013

/s/

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SUSAN RUFF  
Administrative Law Judge  
Office of Administrative Hearings

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<sup>1</sup> The parties requested a telephonic prehearing conference on Wednesday, August 21, 2013. However, the OAH weekly PHC days may be changing after July 1, 2013. Therefore, the PHC is set on the Monday closest to the date requested.