

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

HERMOSA BEACH CITY ELEMENTARY
SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2013060282

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
PHC/HEARING

On June 13, 2013, District filed a request to continue all dates on the ground of witness unavailability and need for additional time to negotiate settlement. No mediation was requested, as District assumed the parties would mediate as scheduled on June 19, 2013. Parent did not file an opposition, but cancelled the June 19, 2013 mediation.

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: Not requested. If the parties want to attend mediation, they must provide OAH at least one week's notice of a mutually agreed date on a Tuesday, Wednesday, or Thursday.

Prehearing Conference: August 30, 2013 at 10:00 AM
[NOTE DATE CHANGE: Beginning July 1, 2013, OAH will calendar PHC's on Mondays and Fridays, at 10a.m., 1 p.m., or 3 p.m.]

Due Process Hearing: September 9-11, 2013 at 1:30 PM first day, 9:30 AM 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: June 19, 2013

/s/

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