

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

GREENFIELD UNION SCHOOL
DISTRICT, MONTEREY COUNTY
OFFICE OF EDUCATION, KING CITY
UNIFIED SCHOOL DISTRICT AND
SOLEDAD UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2013070957

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

On October 15, 2013, Student filed an initial continuance request on the Office of Administrative Hearings' (OAH) joint continuance request form. Student, along with the attorneys for the three named school districts, signed the form requesting that OAH set a new mediation date for November 12, 2013, and to select hearing dates within 90 days of the initial hearing date. Student did not obtain the signature of Attorney Lenore Silverman who represents the Monterey County Office of Education. As a courtesy and to expedite the continuance request, OAH contacted Ms. Silverman on October 16, 2013, for her position on the continuance request. Ms. Silverman agrees to the continuance request.

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: November 12, 2013, at 9:30 AM

Prehearing Conference: December 6, 2013, at 10:00 AM

Due Process Hearing: December 17, 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: October 16, 2013

/s/

THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings