

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

MONTEREY COUNTY OFFICE OF  
EDUCATION, SALINAS CITY  
ELEMENTARY SCHOOL DISTRICT,  
AND SANTA RITA UNION SCHOOL  
DISTRICT.

OAH Case No. 2013071259

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

On March 6, 2014, the Salinas City Elementary School District (Salinas) and the Monterey County Office of Education (Monterey) filed a request to continue the dates in this matter, based upon a recent death in the family of counsel for Salinas and Monterey, the unavailability of Student's counsel due to another hearing on the scheduled hearing dates and the desire of the parties to mediate the case. Counsel for Salinas and Monterey represents that Student and Santa Rita Union School District do not oppose the request for continuance and no oppositions have been filed by either party.

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. All dates are vacated. However, the continuance is brief and no additional continuances will be granted in this matter without a substantial showing of good cause. This matter will be set as follows:

Prehearing Conference: April 7, 2014, at 10:00 a.m.  
Due Process Hearing: April 15, 2014, at 9:30 a.m., April 16 and 17, 2014, at 9:00 a.m., and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: March 10, 2014

/s/  
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MARGARET BROUSSARD  
Administrative Law Judge  
Office of Administrative Hearings