

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

CENTRAL ELEMENTARY SCHOOL  
DISTRICT.

OAH CASE NO. 2013090997

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

On October 23, 2013, the parties jointly filed an initial request to continue the dates in this matter. The parties requested that mediation originally set for October 31, 2013, be continued to November 5, 2013; the pre-hearing conference originally set for November 8, 2013, be continued to December 6, 2013; and the hearing originally set for November 21, 2013, be continued to December 16, 17 and 18, 2013.

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. The parties' request for continuance is the first request and the dates requested are within 90 days of the initial date set for hearing. All dates are vacated. This matter will be set as follows:

Mediation:	November 5, 2013 at 9:30 a.m.
Prehearing Conference:	December 6, 2013 at 3:00 p.m.
Due Process Hearing:	December 16, 17, and 18, 2013, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. The first day of hearing will begin at 1:30 p.m. and all other days at 9:30 a.m. unless otherwise ordered.

IT IS SO ORDERED.

Dated: October 23, 2013

/s/

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ADRIENNE L. KRIKORIAN  
Administrative Law Judge  
Office of Administrative Hearings