

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LARKSPUR SCHOOL DISTRICT.

OAH CASE NO. 2013110120

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

On February 12, 2014, the parties filed a request to continue the dates in this matter on the grounds of unavailability of counsel. The requested dates for the prehearing conference (PHC) and hearing are inconsistent with the Office of Administrative Hearings' (OAH's) calendaring guidelines and general principles of the work week and holidays observed in California and the United States. For example, the parties requested the PHC be set for March 26, 2014, which is a Wednesday. OAH currently only sets initial PHC's on Mondays or Fridays and this information is available on OAH's website. Furthermore, the parties requested the hearing start on Monday, March 31, 2014, which is a state holiday in California. Finally, the parties requested that the hearing continue through April 6, 2014. April 5 and 6, 2014, are Saturday and Sunday, respectively, which are dates that are commonly considered weekend holidays in the United States. Accordingly, the order below adjusts the dates for the continuance to those which are reasonable in light of the parties' request for mediation on March 18, 2014.

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:	March 18, 2014, at 9:30 AM
Prehearing Conference:	March 28, 2014, 10:00 AM
Due Process Hearing:	April 8, 2014, 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.

DATE: February 13, 2014

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BOB N. VARMA  
Presiding Administrative Law Judge  
Office of Administrative Hearings