

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. SAN LUIS COASTAL UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2011110858
SAN LUIS COASTAL UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH CASE NO. 2011090132 ORDER GRANTING REQUEST FOR CONTINUANCE AND SETTING PREHEARING CONFERENCE AND HEARING DATES

This matter is set for hearing beginning on September 10, 2012, with a prehearing conference (PHC) on September 3, 2012. On July 5, 2012, District filed a joint request for a continuance until October 9, 2012. The joint request is based upon Student's attorney's request for additional time to prepare given her attendance at an out of state Ninth Circuit Judicial Conference from August 9-21, 2012, and a pre-planned vacation through the end of the week of August 20, 2012. The attorney for Student also signed the motion.

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 parties may meet and confer to set a date to voluntarily participate in mediation prior to the hearing and notify OAH. The request is:

Granted. All dates are vacated. This matter will be set as follows:

Prehearing Conference: September 24, 2012, at 10:00 AM

Due Process Hearing: October 9 – 11, 2012, at 9:30 AM

IT IS SO ORDERED.

Dated: July 5, 2012

/s/

THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings