

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ANTELOPE VALLEY UNION HIGH
SCHOOL DISTRICT.

OAH CASE NO. 2012030347

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
PHC/HRG

On April 17, 2012, the parties filed a stipulated request for a continuance of the hearing for a period of more than 120 days. The reason given was that the parties had agreed to conduct assessments and an IEP team meeting, which the parties anticipated would not be held until after the summer break at the beginning of the next school year. The parties also recited that at the time the due process request was filed, Student was not a resident of District.

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. However, further continuances are not contemplated given the length of the initial continuance. By the time of hearing, the parties will have been given more than ample time to explore alternatives to hearing. All dates are vacated. This matter will be set as follows:

Prehearing Conference: September 5, 2012 at 1:30 PM [NOTE – Date
changed to be closer to hearing date.]
Due Process Hearing: September 11-13, 2012 at 9:00 AM

IT IS SO ORDERED.

Dated: April 17, 2012

/s/

RICHARD T. BREEN
Presiding Administrative Law Judge
Office of Administrative Hearings