

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

SANTA MONICA-MALIBU UNIFIED
SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2012050325

ORDER GRANTING FIRST REQUEST
FOR CONTINUANCE IN EXCESS OF
90 DAYS AND SETTING
MED/PHC/HRG

On May 25, 2012, District filed a first request for a continuance in excess of 90 days. The reason given was that Student's parent had cancelled mediation, but indicated a willingness to attend, yet District has been unable to contact Student's parent to agree to a date. No response from Student was received by OAH.

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. However, given the length of the initial continuance, which is approximately 120 days, further continuances are not contemplated. District is expected to be prepared to proceed to hearing on the scheduled dates. This matter will be set as follows:

Mediation: September 5, 2012 at 9:30 AM
Prehearing Conference: September 24, 2012 at 10:00 AM
Due Process Hearing: October 1-4, 2012 at 1:30 PM first day, 9:00 AM
after.

IT IS SO ORDERED.

Dated: May 30, 2012

/s/

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