

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ORANGE UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2012050590

ORDER GRANTING JOINT REQUEST  
FOR CONTINUANCE OF  
PREHEARING CONFERENCE,  
SETTING PREHEARING  
CONFERENCE

On October 25, 2012, the parties filed a joint request to continue the prehearing conference (PHC), which is scheduled for 10:00 a.m., October 29, 2012. The due process hearing is scheduled for November 5 through 8 and 13 through 15, 2012. The parties state that they have reached a final agreement, but require the signature of the authorized District representative, who will not return from vacation until Monday, October 29, 2012. The parties request a two day continuance, enabling them to fully execute the settlement agreement.

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 continuance and considered all relevant facts and circumstances, including the parties' collaboration in pursuing a fully executed final agreement. The parties, however, have not filed PHC statements. Therefore, if the matter does not settle for any reason, the parties are ordered to file PHC statements no later than 5:00 p.m., October 30, 2012.

Good cause existing therefore, the request is granted, as follows:

1. The joint request to continue the PHC is granted.
2. The telephonic PHC is continued to 1:30 p.m., October 31, 2012.
3. The parties are ordered to file PHC statements by 5:00 p.m., Tuesday, October 30, 2012, unless the matter reaches a final agreement and OAH is properly notified.

IT IS SO ORDERED.

Dated: October 26, 2012

/s/

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CLIFFORD H WOOSLEY  
Administrative Law Judge  
Office of Administrative Hearings