

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. 2012050676

ORDER GRANTING REQUEST FOR  
CONTINUANCE AND SETTING  
PHC/HRG

On September 11, 2012, the parties filed a joint request to continue the dates in this matter based on the recent unavailability of District's counsel, who had returned to work on September 10, 2012 after a brief hospitalization. During counsel's absence, a due process hearing in another case involving District was set for a time that conflicted with the dates scheduled in the present case.

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. Parties should not expect any further continuances. This matter will be set as follows:

Prehearing Conference: October 8, 2012 at 10:00 a.m.  
Due Process Hearing: October 22 – 25, 2012, October 29 – 31, 2012, and  
November 1, 2012, and continuing day to day,  
Monday through Thursday, as needed at the  
discretion of the Administrative Law Judge. The  
first day of hearing shall begin at 1:30 p.m., and the  
remaining days shall begin at 9:30 a.m., unless  
otherwise ordered.

IT IS SO ORDERED.

Dated: September 12, 2012

/s/

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CARLA L GARRETT  
Administrative Law Judge  
Office of Administrative Hearings