

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

TEMPLETON UNIFIED SCHOOL  
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2012070354

ORDER GRANTING REQUEST FOR  
CONTINUANCE AND SETTING  
MEDIATION, PREHEARING  
CONFERENCE AND DUE PROCESS  
HEARING DATES

On July 18, 2012, the Templeton Unified School District (District) filed a request to continue the dates in this matter on the grounds that both District personnel and witnesses will be unavailable on the currently scheduled dates. On July 23, 2012, Parents opposed the District's request on the ground that they wished a longer continuance (for 90 days) in order to find legal representation.

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. Both parties have good grounds to seek a continuance. Parents' request is for a 90-day continuance, which is excessive in light of the governing law. A 60-day continuance should be sufficient for Parents to seek legal counsel. The matter concerns Parents' request for an independent educational evaluation (IEE), so it does not appear that

the District will be prejudiced by a continuance longer than the one it sought. All dates are vacated, and this matter will be set as follows:

Mediation:	Sept. 27, 2012, at 9:30 AM
Prehearing Conference:	October 3, 2012, at 1:30 PM
Due Process Hearing:	October 9, 2012, at 9:30 AM

IT IS SO ORDERED.

Dated: July 23, 2012

/s/

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CHARLES MARSON  
Acting Presiding Administrative Law Judge  
Office of Administrative Hearings