

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

OUCHI HIGH SCHOOL AND LUSKIN  
ACADEMY HIGH SCHOOL.

OAH CASE NO. 2012070767

ORDER GRANTING SECOND  
REQUEST FOR CONTINUANCE AND  
SETTING MED/PHC/HRG

On October 24, 2012, the parties filed a second stipulated request to continue all dates on the ground that assessments that had been agreed to as part of settlement negotiations had not been completed.

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, further continuances are not contemplated for any reason, given the age of this matter and the ample opportunity for settlement provided by two lengthy continuances. This matter will be set as follows:

Mediation: November 14, 2012 at 9:30 AM

Prehearing Conference: January 2, 2013 at 10:00 AM  
[NOTE: The date requested was not granted because it was too remote in time from the agreed upon hearing dates.]

Due Process Hearing: January 7-10, 2013 at 1:30 PM first day, 9:00 AM other days, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

[NOTE: Dates changed because OAH does not calendar on Fridays, as requested.]

IT IS SO ORDERED.

Dated: October 24, 2012

/s/

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