

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PALOS VERDES PENINSULA UNIFIED
SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2012080926

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

On September 6, 2012 and September 11, 2012, Student's parents (Parents) and the Palos Verdes Peninsula Unified School District (District), respectively, filed a request to continue the dates in this matter.

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.

Mediation: October 2, 2012 at 9:30 a.m.¹, unless otherwise ordered.
Prehearing Conference: October 15, 2012 at 1:30 p.m.
Due Process Hearing: October 22 - 25, and 29, 2012,² 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 all subsequent days shall begin at 9:30 a.m., unless otherwise ordered.

IT IS SO ORDERED.

Dated: September 12, 2012

/s/

CARLA L GARRETT
Administrative Law Judge
Office of Administrative Hearings

¹ Although the parties requested the mediation to begin at 1:00 p.m., OAH typically sets such matters for 9:30 a.m. in order to give the parties ample time to complete the mediation.

² Although the parties requested Friday, October 26, 2012, as a hearing day, OAH does not calendar hearing days on Fridays. However, the assigned ALJ has discretion to hear the matter on a Friday, should he or she so chooses.