

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

JURUPA UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2012110460

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

On December 4, 2012, Student and the Jurupa Unified School District filed a joint request for continuance. It is the first motion for continuance filed in this 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).) The Office of Administrative Hearings (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. This matter will be set as follows:

Mediation:	January 10, 2013, at 9:30 a.m.
Prehearing Conference:	January 23, 2013, at 10:00 a.m. (The parties requested January 21, 2013; however, that is a state holiday.)

Due Process Hearing: February 4, 2013, at 1:30 p.m. and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. The hearing will start at 9:00 a.m. on all other days, unless otherwise ordered.

The parties are reminded that they must still comply with the scheduling order and notice of due process hearing previously issued in this case on November 16, 2012. The scheduling order indicates the parties' obligations with regard to filing a prehearing conference statement three business day prior to the scheduled pre-hearing conference and indicates the information that must be included in the statement.

IT IS SO ORDERED.

Dated: December 4, 2012

/s/

DARRELL LEPKOWSKY
Administrative Law Judge
Office of Administrative Hearings