

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

OAKLEY UNION ELEMENTARY  
SCHOOL DISTRICT.

OAH CASE NO. 2013030851

ORDER GRANTING REQUEST FOR  
CONTINUANCE AND SETTING NEW  
PREHEARING CONFERENCE AND  
HEARING DATES

On October 15, 2013, Student filed with the Office of Administrative Hearings (OAH) a request to continue the dates in this matter based upon Student's recent placement in a "trial" non-public school placement, which, if successful, may resolve many of the issues for hearing. Student represents that the Oakley Union Elementary School District (District) does not oppose the continuance. In response to a message left by OAH staff, the District informed OAH on October 18, 2013, that it does not oppose Student's request. This is the third continuance request.

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. However, parties are advised that no further continuances will be granted absent a showing of exceptional good cause as this matter has been pending since March 21, 2013.** All dates are vacated. This matter will be set as follows:

Prehearing Conference: December 2, 2013, at 3:00 PM

Due Process Hearing: December 9, 2013, at 1:30 PM, and December 10 through 12, 2013, at 9:00 AM, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

Dated: October 18, 2013

/s/

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THERESA RAVANDI  
Administrative Law Judge  
Office of Administrative Hearings