

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PALO ALTO UNIFIED SCHOOL  
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2013040009

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

On April 19, 2013, the Palo Alto Unified School District (District) filed a request to continue the dates in this matter due to unavailability of District for hearing on the currently scheduled hearing dates. District filed a declaration by Damian Huertas, under oath, that Mr. Huertas had spoken with Parents, who are Spanish language speakers, on April 17, 2013. Mother informed Mr. Huertas that Parents would not agree to a continuance. There have been no prior continuances 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. This is the first request for continuance and District has stated it is unavailable for hearing. However, District does not provide any

information as to why it is unavailable and what its first available dates may be for resetting of this matter. Accordingly, a short continuance is granted. Should either party require a further continuance, they are encouraged to work together. If another request to continue is filed, whether jointly or as a contested motion, the party must provide reasons for their unavailability. This matter will be set as follows:

Prehearing Conference: May 22, 2013, at 10:00 AM  
Due Process Hearing: June 4, 2013, at 9:30 AM and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

Dated: April 19, 2013

/s/

---

BOB N. VARMA  
Presiding Administrative Law Judge  
Office of Administrative Hearings