

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

SAN DIEGUITO UNION HIGH SCHOOL  
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2013040914

ORDER GRANTING REQUEST FOR  
CONTINUANCE AND SETTING DUE  
PROCESS HEARING

On June 4, 2013, a due process hearing was held before Administrative Law Judge (ALJ) Paul H. Kamoroff, Office of Administrative Hearings (OAH). Justin R. Shinnfield appeared on behalf of the District. Student's mother (Mother) appeared on behalf of Student. The hearing was audio recorded.

At the beginning of the hearing, the parties orally submitted a joint request to continue and reset the currently scheduled hearing dates in the case (motion). The motion is based upon an interim agreement between the parties whereby Mother has agreed to permit the District to conduct an assessment of Student, and additional time is required to permit the conclusion of the assessment.

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).)

Good cause appearing, the joint request to continue is GRANTED. All dates set in the matter are vacated and shall be reset as follows:

DUE PROCESS HEARING: June 25 and 26, 2013, and day by day, Monday through Thursday, thereafter, starting at 9:30 a.m. on June 25, 2013, and at 9:00 a.m. every other day, unless otherwise ordered.

IT IS SO ORDERED.

Dated: June 4, 2013

/s/

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PAUL H. KAMOROFF  
Administrative Law Judge  
Office of Administrative Hearings