

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

MANHATTAN BEACH UNIFIED  
SCHOOL DISTRICT AND LOS ANGELES  
COUNTY OFFICE OF EDUCATION.

OAH CASE NO. 2013050117

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

On June 13, 2013, the parties filed a joint first request to continue the dates in this matter approximately 30 days to agreed dates.

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 matter will be set as follows:

Mediation: June 27, 2013 at 11:30 AM  
Prehearing Conference: July 15, 2013 at 10:00 AM (The parties requested  
July 14, 2013, which is a Sunday. OAH does not

Due Process Hearing: conduct PHCs on Sunday)  
July 29, 2013 at 1:30 PM; July 30, 31, August 1,  
2013, at 9:00 AM; August 5, 2013 at 1:30 PM and  
continuing day to day, Monday through Thursday,  
as needed at the discretion of the Administrative  
Law Judge. (OAH does not set hearings on Fridays.  
These dates are as close as possible to the dates  
requested and in compliance with OAH scheduling  
policies.)

IT IS SO ORDERED.

Dated: June 14, 2013

/s/

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MARIAN H. TULLY  
Administrative Law Judge  
Office of Administrative Hearings