

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

TEMECULA VALLEY UNIFIED  
SCHOOL DISTRICT.

OAH CASE NO. 2013050264

ORDER PARTIALLY GRANTING  
SECOND JOINT REQUEST FOR  
CONTINUANCE AND SETTING NEW  
PREHEARING CONFERENCE AND  
DUE PROCESS HEARING DATES

On July 2, 2013, the above-captioned parties filed their second joint request for a continuance. The parties indicate that they wish a second continuance in order for the District to complete its pending assessment of Student and to hold an individualized education program meeting to discuss the District's assessment and an independent assessment obtained by Student.

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:

Partially Granted. All dates are vacated. However, the hearing date of October 7, 2013, requested by the parties is unavailable due to a scheduled training for OAH Administrative Law Judges.

Additionally, there is presently no mediation scheduled in this case and the parties have not requested a mediation date in their present motion. Should they wish the assistance of OAH in convening a mediation, the parties should contact OAH with a mutually agreeable date.

The matter shall be set as follows:

Prehearing Conference: September 30, 2013, at 1:00 p.m.

Due Process Hearing: October 8 – 10, 2013, beginning at 9:30 a.m. on October 8, and continuing thereafter, day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

Dated: July 3, 2013

/s/

---

DARRELL LEPKOWSKY  
Administrative Law Judge  
Office of Administrative Hearings