

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

POMONA UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2013050467

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

On October 7, 2013, the parties jointly requested that OAH grant a second continuance in this matter. The parties contend that assessments of the Student are in progress, and the result of those assessments may assist the parties in working toward resolution of the case, eliminating the need for a hearing. The parties requested that OAH set mediation on November 13, 2013, and reschedule the hearing for January 6, 7, 8, and 9, 2014.

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. Here, the Student filed her complaint on May 14, 2013, and received an initial continuance on June 7, 2013, which was based upon the parties' representation that they were waiting for the reports of an independent assessment. This second request is also based upon the status of assessment reports, which the parties contend may assist in

resolution of the matter. The parties have demonstrated good cause. Therefore, the request is:

Granted. All dates are vacated. No further requests for continuance are contemplated, as the parties will have had more than ample time to conduct assessments and settlement negotiations. This matter will be set as follows:

Mediation:	November 13, 2013 at 9:30 AM
Prehearing Conference:	December 23, 2013 at 1:00 PM
Due Process Hearing:	January 6, 2014 at 1:30 p.m., January 7, 8, and 9, 2014 at 9:30 a.m., unless otherwise ordered, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

Dated: October 9, 2013

/s/

ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings