

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

CORONADO UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2013050789

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

On July 2, 2013, the above-captioned parties filed an initial joint request to continue the prehearing conference and due process hearing dates in this matter. They did not request to continue the mediation, presently scheduled for July 10, 2013.

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:

Granted. The present prehearing conference and due process hearing dates are vacated. This matter will be set as follows:

Mediation: July 10, 2013, as presently scheduled.

Prehearing Conference: August 30, 2013, at 10 a.m.

Due Process Hearing: September 9 – 12, 2013, starting at 1:30 p.m. on September 9, 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/

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DARRELL LEPKOWSKY  
Administrative Law Judge  
Office of Administrative Hearings