

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

CLAREMONT UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2013060518

ORDER GRANTING STUDENT'S
REQUEST FOR CONTINUANCE AND
SETTING MEDIATION, PREHEARING
CONFERENCE, AND HEARING

On June 26, 2013, Parents, on behalf of Student, filed a request to continue the dates in this matter based upon the family's unavailability until August 2013. On June 27, 2013, District filed a response, agreeing to continuance and proposing 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 and the dates are continued as follows:

Mediation: **August 6, 2013, at 9:30 AM.**

Prehearing Conference: **August 19, 2013, at 3:00 PM** (telephonic).

Due Process Hearing: **August 28 and 29, 2013, at 9:30 AM,** and continuing day to day, Monday through Thursday, as needed at the discretion of the

Administrative Law Judge.

NOTE: Hearing was not scheduled for August 30, 2013, as suggested by District, because OAH does not schedule hearings on Friday. See OAH Special Education Scheduling Guide.

IT IS SO ORDERED.

Dated: July 01, 2013

/s/

CLIFFORD H. WOOSLEY
Administrative Law Judge
Office of Administrative Hearings