

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

WEST COVINA UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2013060875

ORDER GRANTING DISTRICT'S
REQUEST FOR CONTINUANCE AND
SETTING PREHEARING
CONFERENCE AND DUE PROCESS
HEARING DATES

On August 5, 2013, West Covina Unified School District (District) filed a request (Motion) to continue the hearing dates in this matter to October 21, 2013 through October 25, 2013, based upon counsel's calendar conflicts. On August 6, 2013, Student and Parent (collectively, Student) filed a non-opposition to the Motion, noting that Student did not oppose the continuance, but that Student had not been able to agree upon continuance dates. Student's non-opposition states that Student now agrees to District's proposed continuance dates. Neither party has previously requested a continuance of the hearing.

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 Motion for good cause and considered all relevant facts and circumstances. The Motion is:

Granted. All dates are vacated. This matter will be set as follows:

Prehearing Conference: October 14, 2013, at 10:00 a.m.
Due Process Hearing: October 21, 2013, through October 24, 2013, and continuing day to day, Monday through Thursday, as needed, at the discretion of the Administrative Law Judge. The hearing shall commence at 1:30 p.m. on October 21, 2013, and, unless otherwise ordered, the hearing shall commence at 9:30 a.m. on all other days.

IT IS SO ORDERED.

Dated: August 7, 2013

/s/

ELSA H. JONES
Acting Presiding Administrative Law Judge
Office of Administrative Hearings