

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

MONTEBELLO UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2014010996

ORDER GRANTING INITIAL JOINT  
REQUEST FOR CONTINUANCE AND  
SETTING MEDIATION, PREHEARING  
CONFERENCE AND DUE PROCESS  
HEARING

On February 14, 2014 the parties jointly filed an initial request to continue the dates in this matter. The initial hearing date is March 26, 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.

Granted. All dates are vacated. The initial request is reasonable because it requests dates within ninety days of the original hearing dates. The new dates are:

Mediation: March 26, 2014 at 9:30 a.m. AM  
Prehearing Conference: April 21, 2014 at 10:00 AM  
Due Process Hearing: April 28, 29, and 30, 2014 and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. The first day of hearing will begin at 1:30 p.m. All other hearing days will begin at 9:00 a.m. unless otherwise ordered.

IT IS SO ORDERED.

DATE: February 14, 2014

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ADRIENNE L. KRIKORIAN  
Administrative Law Judge  
Office of Administrative Hearings