

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT ,

v.

SAN LUIS COASTAL UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2012090857

SAN LUIS COASTAL UNIFIED SCHOOL
DISTRICT ,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2012090268

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

On November 1, 2012, the parties filed a joint request to continue the dates in this matter on the grounds that they have executed an interim agreement that requires time for the parties to implement a temporary placement for diagnostic purposes through December 21, 2012. Parties would be reevaluating Student and reviewing his individualized educational programs following his reevaluation. Thus, the parties request that OAH continues the hearing dates from November 21, 2012 to January 22-25, 2013.

APPLICABLE LAW and discussion

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

Prehearing Conference:	January 14, 2013, at 1:30 PM
Due Process Hearing:	January 22 – 24, 2013, starting at 1:30 PM on January 22, 2013, and continuing day to day, Monday through Thursday, ¹ as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

Dated: November 01, 2012

/s/

ADENIYI AYOADE
Administrative Law Judge
Office of Administrative Hearings

¹ January 21, 2013, is a public holiday. As such the hearing is scheduled to begin at 1:30 PM on January 22, 2013. Further, the hearing ALJ will determine whether to continue the hearing through Friday, January 25, 2013, as requested by parties.