

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

OCEAN VIEW ELEMENTARY SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2012100714

ORDER GRANTING SECOND JOINT
REQUEST FOR CONTINUANCE,
SETTING PREHEARING
CONFERENCE AND HEARING

On January 17, 2013, the parties filed a joint request to continue the prehearing conference and hearing dates in this matter. This is the second request for a continuance since issuance of the initial scheduling order following the filing of the complaint on October 18, 2012. On January 9, 2013, the Office of Administrative Hearings continued the January 2013 hearing dates to February 2013, due to Administrative Law Judge Training. The parties now seek to continue the hearing to jointly agreed-upon 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 continuance and considered all relevant facts and circumstances, including the parties' collaboration in agreeing upon continued dates. Good cause existing therefore, the request is granted.

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

Prehearing Conference: **April 3, 2013, at 1:30 PM.**

Due Process Hearing: **April 10 and 11, 2013** (commencing at 10:00 a.m. the first day of hearing and 9:00 a.m. on each every other day), and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. The hearing will take place at the offices of **Ocean View School District, 17200 Pinehurst Lane, Huntington Beach, CA 92647.**

NOTE: In light of the age of the original filings and the inability of the parties to resolve this dispute informally to date, no further continuances are contemplated.

IT IS SO ORDERED.

Dated: January 18, 2013

/s/

CLIFFORD H. WOOSLEY
Administrative Law Judge
Office of Administrative Hearings