

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

RIALTO UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2013010548

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

On February 25, 2013, the parties filed a joint request to continue the dates in this matter. This is the first request for a continuance since issuance of the initial scheduling order following the filing of the complaint on January 17, 2013.

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: **March 27, 2013**, at 1:30 PM. [The requested date of April 1, 2013, is an observed holiday.]

Due Process Hearing: **April 8, 9, and 10, 2013**, commencing at 1:30

PM on the first day of hearing and 9:00 AM for all remaining days. The hearing will take place at District's offices, located at **182 E. Walnut Avenue, Rialto, CA 92376**. The hearing shall continue day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

NOTE: The previously scheduled mediation was canceled and the parties have not had an opportunity to mediate. If parties desire a mediation, they should confer, agree upon possible dates, and contact the Office of Administrative Hearings to arrange for a mediator.

IT IS SO ORDERED.

Dated: February 25, 2013

/s/

CLIFFORD H. WOOSLEY
Administrative Law Judge
Office of Administrative Hearings