

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

RIVERSIDE UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2013041078

ORDER GRANTING JOINT REQUEST
FOR CONTINUANCE AND SETTING
NEW DUE PROCESS HEARING
DATES

On June 13, 2013, the parties filed an initial joint request to continue the due process hearing dates in this matter. The prehearing conference in this case was held on June 10, 2013. The hearing is presently set for June 20, and June 24-26, 2013. The parties have only requested to continue the hearing 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 good cause and considered all relevant facts and circumstances. The request is:

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

Due Process Hearing: September 3, 4 and 5, 2013, starting at 1:30 p.m. on September 3, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. The Administrative Law Judge shall determine the starting times for other hearing days at the first day of hearing.

IT IS SO ORDERED.

Dated: June 13, 2013

/s/

DARRELL LEPKOWSKY
Administrative Law Judge
Office of Administrative Hearings