

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

SAN JACINTO UNIFIED SCHOOL  
DISTRICT AND MENIFEE UNION  
SCHOOL DISTRICT.

OAH CASE NO. 2013051192

ORDER GRANTING JOINT REQUEST  
FOR CONTINUANCE OF NON-  
EXPEDITED PORTION OF DUE  
PROCESS PROCEEDINGS AND  
SETTING NEW MED/PHC/HRG  
DATES

On June 17, 2013, the parties filed an initial joint request for continuance of all dates in the non-expedited portion of this case.

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 dates are vacated.

Mediation: July 31, 2013, at 9:30 a.m.  
Prehearing Conference: August 12, 2013, at **1:00 p.m.**  
Due Process Hearing: August 19 – 21, 2013, starting at 1:30 p.m. on

August 19, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

Unless otherwise ordered, the mediation and the due process hearing will take place at the offices of the San Jacinto Unified School District, as previously scheduled.

IT IS SO ORDERED.

Dated: June 18, 2013

/s/

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DARRELL LEPKOWSKY  
Administrative Law Judge  
Office of Administrative Hearings