

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

WEST SONOMA COUNTY UNION HIGH  
SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2013071195

ORDER GRANTING REQUEST FOR  
CONTINUANCE AND SETTING NEW  
DATES

On August 19, 2013, Attorney Monica D. Batanero representing the West Sonoma County Union High School District (District) filed with the Office of Administrative Hearings (OAH) an initial request to continue the dates in this matter. The District used the OAH continuance form to request that OAH select new dates within 90 days of the initial hearing date, as the parties cannot agree upon hearing dates. Parent did not sign this form, and OAH has not received a response on behalf of Student. Therefore, this continuance request is not considered a joint request.

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. Although the OAH continuance form is only to be used when the parties mutually agree to continue the dates and both parties sign the form, District's counsel informed OAH staff that the parties were trying to continue the matter, that Parent has been experiencing medical issues, and that she has been unable to reach the Parent to confirm her agreement to continue all calendared dates. The District served Parent with the continuance request, and Parent has not filed an opposition. Additionally, the mediation calendared for August 13, 2013, was cancelled due to Parent's unavailability because of medical reasons. If Parent is not available for the continued hearing dates, Parent is to meet and confer with the District regarding hearing dates and may submit a joint request for a continuance. This matter will be set as follows:

|                        |  |
|------------------------|--|
| Mediation:             | October 15, 2013 at 9:30 AM  |
| Prehearing Conference: | October 28, 2013, at 1:00 PM <sup>1</sup>  |
| Due Process Hearing:   | November 5, 2013, at 9:30 AM, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. |

IT IS SO ORDERED.

Dated: August 22, 2013

/s/  
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THERESA RAVANDI  
Administrative Law Judge  
Office of Administrative Hearings

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<sup>1</sup> The parties are reminded that they are to submit prehearing conference (PHC) statements at least three business days prior to the PHC in accord with the July 29, 2013 Scheduling Order.