

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

REDLANDS UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2013110303

ORDER GRANTING DISTRICT'S
REQUEST FOR CONTINUANCE AND
SETTING PREHEARING
CONFERENCE AND DUE PROCESS
HEARING

On January 2, 2014, Redlands Unified School District (District) filed a request to continue the due process hearing dates in this matter, based upon the unavailability of the District Administrator and/or Student's counsel on the dates currently scheduled for hearing. This is District's second request to continue the hearing dates, and the request states different grounds than did District's first request. The matter has never been continued. Student filed no opposition to the District's second request. The parties have not been able to agree upon continuance dates, at least as of the time of the PHC held in this matter on December 30, 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 good cause and considered all relevant facts and circumstances, and the request is:

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

Prehearing Conference: February 14, 2014, at 1:00 p.m.
Due Process Hearing: February 24-28, 2014, and continuing day to day,
Monday through Thursday, as needed at the
discretion of the Administrative Law Judge. The
hearing shall begin at 1:30 p.m. on February 24,
2014.

IT IS SO ORDERED.

Dated: January 6, 2014

/s/

ELSA H. JONES
Acting Presiding Administrative Law Judge
Office of Administrative Hearings