

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

STOCKTON UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2013110392

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
PREHEARING CONFERENCE AND
HEARING

On December 20, 2013, Stockton Unified School District (District) filed with the Office of Administrative Hearings (OAH) a request to continue the dates in this matter based upon inability to prepare witnesses for hearing due to the holiday break. On December 23, 2013, Student filed a non-opposition, but requested that the hearing take place in January 2014.¹

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).)

¹ The parties did not provide OAH with an agreed upon mediation date. If the parties wish to participate in mediation, they will need to submit a written request to OAH with an agreed upon date. The parties are advised that OAH is not scheduling mediations during the week of January 13, 2014, due to statewide training.

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

Granted. All dates are vacated. The District established good cause for a brief continuance in this matter. This matter will be set as follows:

Prehearing Conference: January 10, 2014, at 3:00 PM
Due Process Hearing: January 27, 2014, at 1:30 PM, January 28, 29, and 30, 2014, at 9:00 AM, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

Dated: December 24, 2013

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings