

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

CAPISTRANO UNIFIED SCHOOL  
DISTRICT, CORNEJO VALLEY UNIFIED  
SCHOOL DISTRICT AND NEWPORT-  
MESA UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2014010858

ORDER GRANTING INITIAL JOINT  
REQUEST FOR CONTINUANCE AND  
SETTING PREHEARING  
CONFERENCE AND DUE PROCESS  
HEARING

On February 28, 2014, the parties jointly filed an initial request to continue the hearing dates in this matter. The initial hearing date is March 19, 2014.

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. The request is reasonable because the requested dates are within ninety days of the original hearing dates. The new dates are:

Prehearing Conference: March 24, 2014 at 3:00 PM  
Due Process Hearing: April 1, 2, and 3, 2014, and continuing day to day,  
Monday through Thursday, as needed at the  
discretion of the Administrative Law Judge.  
**PLEASE NOTE CHANGE OF DATE:** The first  
day of hearing is April 1 because March 31, 2014 is  
a State holiday and OAH is closed. The first day of  
hearing will begin at 1:30 p.m. and all other days at  
9:00 a.m. unless otherwise ordered.

IT IS SO ORDERED.

DATE: February 28, 2014

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ADRIENNE L. KRIKORIAN  
Administrative Law Judge  
Office of Administrative Hearings