BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT

v.

COMPTON UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2022120157

ORDER GRANTING JOINT REQUEST FOR CONTINUANCE AND SETTING MEDIATION, PREHEARING CONFERENCE, AND HEARING ON REMAND

JANUARY 11, 2023

On December 6, 2022, the Office of Administrative Hearings, referred to as OAH, issued a scheduling order setting the prehearing conference and due process hearing on remand. On December 12, 2022, OAH granted the parties joint request and set mediation for January 18, 2023, and continued the due process hearing on remand to February 14, 15, and 16, 2023.

On January 10, 2023, the parties filed a stipulation, requesting that the mediation be continued to January 25, 2023, because Student's attorney is scheduled for an expedited mediation in another matter on January 18, 2023. The parties request a

continuance of the due process hearing to March 7, 8, and 9, 2023, because Compton USD's special education director is unavailable, and its attorney is scheduled for hearing in another due process hearing.

Continuances require good cause. 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. (Ed. Code, § 56505, subd. (f)(3); 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 or imposing conditions on the continuance; and any other relevant fact or circumstance. (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. This matter will be set as follows:

MEDIATION DATE is January 25, 2023, 9:00 AM to 4:30 PM.

MEDIATION will occur via telephone or videoconference.

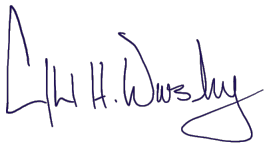
PREHEARING CONFERENCE will be held on March 13, 2023, at 3:00 PM.

DUE PROCESS HEARING ON REMAND is on March 21, 22, and 23, 2023.

NOTE: The dates requested for the prehearing conference and hearing on remand are unavailable.

The parties shall immediately notify all potential witnesses of the hearing dates, and shall subpoena witnesses if necessary, to ensure their availability to testify. Good cause for witness unavailability is not established by failing to properly notify or subpoena a witness. Prehearing conference statements and motions are due to OAH no later than three business days before the prehearing conference or with evidence of good cause why it was not possible to file the motion by that date.

IT IS SO ORDERED.



Clifford H. Woosley
Administrative Law Judge
Office of Administrative Hearings