BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

PASO ROBLES JOINT UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2019120387

ORDER GRANTING MEDIATION AND DENYING REQUEST FOR CONTINUANCE

On January 8, 2019, the parties jointly filed with the Office of Administrative Hearings a request to continue this matter to mediate.

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. (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 and considered all relevant facts and circumstances. The request for mediation is granted.

Mediation will be held on January 29, 2020, from 9:30 AM to 4:30 PM, at the location listed in the parties' joint request for mediation and continuance.

The parties' request for a continuance is denied. The mediation date requested is before the current prehearing conference date and due process hearing dates. Thus, the parties failed to establish why a continuance is needed. Accordingly, the current prehearing conference date and due process hearings dates will remain on calendar.

IT IS SO ORDERED.

DocuSigned by:
Cynthia Fritz
3054C9C1F7E040A...

DATED: January 9, 2020

Cynthia Fritz
Administrative Law Judge
Office of Administrative Hearings