

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LAS VIRGENES UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2013010135

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
MEDIATION, PREHEARING
CONFERENCE AND DUE PROCESS
HEARING

On January 8, 2013, the parties filed a joint request to continue the prehearing conference and due process hearing dates in this matter. The parties did not request that the currently scheduled mediation date be changed.

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. Based upon the joint request, the currently scheduled mediation date will remain on calendar, but the prehearing conference and due process hearing dates are vacated. This matter is now set as follows:

Mediation:

February 12, 2013 at 9:30 AM

Prehearing Conference: April 8, 2013 at 1:30 PM
Due Process Hearing: April 22, 2013 at 1:30 PM, and April 23, 24, and
25, 2013, at 9 AM, and continuing day to day,
Monday through Thursday, as needed at the
discretion of the Administrative Law Judge.

[NOTE: The parties did not request that the mediation be continued, and it
remains on calendar.]

IT IS SO ORDERED.

Dated: January 11, 2013

/s/

EILEEN M. COHN
Administrative Law Judge
Office of Administrative Hearings