

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

CHINO VALLEY UNIFIED SCHOOL
DISTRICT AND WEST END SELPA.

OAH CASE NO. 2012101127

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

On January 11, 2013, the parties filed a joint request to continue the dates in this matter based upon their inability to participate in the scheduled mediation due to scheduling conflicts.

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 as the parties requested only a short continuance in order to participate in mediation prior to the due process hearing.

Mediation:	February 5, 2013 at 9:30 AM
Prehearing Conference:	February 13, 2013 at 1:30 PM

Due Process Hearing: February 25, 2013 at 1:30 PM, and February 26, 27, and 28, 2013 at 9 AM, and continuing day to day, Monday through Thursday, as needed, at the discretion of the Administrative Law Judge.

[NOTE: OAH is dark January 28, through February 1, 2013. For this reason, the mediation could not be set on the date requested. This is the second request for continuance. The parties have ample time to explore and finalize settlement before the due process hearing, and further continuance requests, based upon settlement, or related activities, shall not constitute good cause.]

IT IS SO ORDERED.

Dated: January 11, 2013

/s/

EILEEN M. COHN
Administrative Law Judge
Office of Administrative Hearings