

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

GLENDALE UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2012090416

ORDER FOLLOWING PRE-HEARING
CONFERENCE GRANTING REQUEST
FOR CONTINUANCE AND SETTING
MED/PHC/HRG

On January 14, 2013, a Pre-Hearing Conference was held before Administrative Law Judge Deborah Myers-Cregar, Office of Administrative Hearings (OAH). Sundee Johnson, Attorney at Law, appeared on behalf of Glendale Unified School District (District). Lisa Dennis, Attorney at Law, appeared on behalf of Student. The PHC was recorded.

No PHC statements were filed by either party. On January 14, 2013, the parties filed a joint request for continuance of the dates in this matter, based upon the parties prior unavailability to hold a mediation. The parties have been actively working toward settlement, and believe a mediation will resolve the remaining issues in the case.

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. Good cause exists because the parties have requested mediation, and were unable to hold a mediation earlier in December, 2012 as anticipated. There was one prior continuance granted after an interim agreement was reached. The parties believe the mediation will help settle the remaining issues in the case. There shall be no further continuances granted. This matter will be set as follows:

Mediation:	February 19, 2013 at 10:00 AM
Prehearing Conference:	March 4, 2013 at 1:30 PM
Due Process Hearing:	March 11, 2013 at 1:30 PM, and March 12, 13 and 14, at 9:30 AM, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

Dated: January 14, 2013

/s/

DEBORAH MYERS-CREGAR
Administrative Law Judge
Office of Administrative Hearings