

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN RAMON VALLEY UNIFIED SCHOOL
DISTRICT,

OAH CASE NO. 2012110957

ORDER GRANTING JOINT REQUEST
FOR CONTINUANCE AND SETTING
NEW DATES

This matter is set for a due process hearing on March 3 through 8, 2013, with a prehearing conference on February 27, 2013. On February 19, 2012, District filed with the Office of Administrative Hearings (OAH) a joint request to continue the above dates, signed by the attorneys for both parties. The parties request to reschedule mediation before going to hearing.

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. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) Speedy resolution of the due process hearing is mandated by law and continuance of the hearing may be granted only upon a showing of good cause. (Ed. Code, § 56505, subd. (f)(3).) In ruling upon a motion for continuance, OAH is guided by the provisions found within the Administrative Procedure Act and the California Rules of Court that concern motions to continue. (Cal. Code Regs., tit. 1, § 1020; Cal. Rules of Court, rule 3.1332 .) Generally, continuances of matters are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

This the second continuance request in this case. The parties agreed to the above dates in connection with mediation on January 10, 2013, and also agreed to a continued mediation on February 12, 2013. The parties later cancelled that mediation “due to scheduling conflicts.” The parties request a new mediation date of Monday, February 25, 2013.

In addition, the parties represent they cannot agree on new hearing dates, and request OAH to set new hearing dates within the next 90 days, as provided on the OAH continuance form. OAH generally supports the settlement process and the motion therefore establishes good cause to continue the matter to provide time for mediation. However, the parties did not establish any special circumstances to deviate from the OAH scheduling guidelines for not scheduling mediations on Mondays, when the administrative law judges must generally attend to other matters. Accordingly, this matter is continued as ordered below. However,

since the case has been pending since November 2012, the parties are cautioned that any further continuance would require a substantial showing of good cause.

OAH has reviewed the request for good cause and the request is:

☒ Granted. All dates are vacated. This matter will be set as follows:

Mediation: March 12, 2013, at 9:30 AM

Prehearing Conference: March 27, 2013, at 1:30 AM

Due Process Hearing: April 8, 2013, at 1:30 PM, and
April 9 through 11, 2013, at 9:00 AM

IT IS SO ORDERED.

Dated: February 19, 2013

/s/

DEIDRE L. JOHNSON
Administrative Law Judge
Office of Administrative Hearings