

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

CHINO VALLEY UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2013100407

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

On November 13, 2013, the parties filed a first joint request to continue the dates in this matter. The parties request mediation on December 10, 2013 at 9:30 a.m., a prehearing conference on February 28, 2014 at 1:00 p.m. and a due process hearing on March 17, 2014, through Friday, March 21, 2014. No reason is given for selecting dates which are more than 90 days from the initial hearing date. OAH does not set hearings on Fridays

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. However, no further continuances are contemplated because the new hearing dates requested by the parties are more than 90 days from the initial hearing dates, which is more than enough time to participate in mediation and prepare for the hearing. This matter will be set as follows:

Mediation:	December 10, 2013, at 9:30 a.m.
Prehearing Conference:	February 28, 2014, at 1:00 p.m.
Due Process Hearing:	March 17-20, 2014, and March 24, 2014, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. (March 24, 2014, is the next date after the Friday date requested by the parties.) The hearing shall begin at 1:30 p.m. on March 17 and 24, 2014 and at 9:30 a.m. on all other days unless otherwise ordered.

IT IS SO ORDERED.

Dated: November 13, 2013

/s/

MARIAN H. TULLY
Administrative Law Judge
Office of Administrative Hearings