

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

WALNUT VALLEY UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2013110878

ORDER PARTIALLY GRANTING
REQUEST FOR CONTINUANCE,
VACATING MEDIATION DATE, AND
SETTING PHC/HRG

On November 25, 2013, Walnut Valley Unified School District (Walnut Valley) filed a request for due process (complaint.) On December 4, 2013, Student's father (Parent) filed a request to continue the mediation date from December 11, 2013 to January 21, 2013, and the initial hearing date from December 19, 2013 to February 27, 2013. On December 6, 2013, Walnut Valley filed a partial opposition to the request, in which it agreed to the proposed hearing date, but disagreed with the proposed mediation date.

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 in part. All dates are vacated.

Mediation is voluntary, and the parties have not agreed on a date. Therefore mediation for December 11, 2013 is cancelled. The parties may submit a joint request for mediation on a mutually agreeable date, providing they give OAH at least 5 business days notice.

The parties have mutually agreed on a new hearing date, which is within 90 dates of the initial hearing date and is therefore reasonable. The dates for hearing are:

Prehearing Conference February 21, 2014 at 3:00 PM
(Telephonic):

Due Process Hearing: February 27, 2014 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: December 10, 2013

/s/

ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings