

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

CHICO UNIFIED SCHOOL DISTRICT
AND CHICO COUNTRY DAY SCHOOL.

OAH Case No. 2014050137

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

On May 19, 2014, the parties¹ filed a joint initial request to continue the mediation and hearing dates in this matter.² The parties also requested that the mediation in this matter begin at 8:30 a.m.

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).) The Office of Administrative Hearings (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).)

¹ OAH has not received a Notice of Representation as to Chico Country Day School. Counsel is advised to file and serve a Notice of Representation in order to ensure receipt all OAH Orders.

² The continuance request was received shortly after 5:00 p.m. on May 16, 2014, and therefore, is deemed filed as of the next business day.

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Granted. All dates are vacated. OAH declines to maintain the original prehearing conference date in light of the parties' request to continue the hearing approximately six weeks.

Mediation: June 4, 2014, at 9:30 a.m.³

Prehearing Conference: July 25, 2014, at 1:00 p.m.

Due Process Hearing: August 5, 2014, at 9:30 a.m., and August 6-7, 2014, at 9:00 a.m., and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: May 19, 2014

/s/

THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings

³ OAH cannot accommodate the parties' request for an earlier mediation start time.