

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

VENTURA UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2014020341

ORDER GRANTING JOINT REQUEST
TO CONTINUE MEDIATION DATE;
AND DENYING STUDENT'S
REQUEST TO CONTINUE
PREHEARING CONFERENCE

Student's complaint in this matter was filed on February 2, 2014 and amended April 17, 2014. A prehearing conference was set for June 6, 2014 and a due process hearing was set for June 11, 2014 continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. On June 3, 2014, OAH issued an Order granting the Parties first joint request to continue the prehearing conference to August 18, 2014 at 10:00 a.m., and the due process hearing to August 25-28, 2014, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

On July 7, 2014, Student filed a request for continuance of mediation date and a request to continue the prehearing conference to August 28, 2014.

On July 8, 2014, the Parties filed a joint request to continue the mediation date to July 31, 2014. The Parties agreed to the prehearing conference date of April 18, 2014, and hearing dates of August 25-28, 2014, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge, as set in the June 3, 2014, Order.

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 Student's request and the Parties' joint request for good cause and considered all relevant facts and circumstances.

Student's request to continue the prehearing conference to August 28, 2014, may be a typographical error, but in any event August 28, 2014, would fall on the last date of the four dates requested and set for the hearing. Student's request to continue the mediation date is superceded by the joint request to continue the mediation date. Accordingly, Student's request to continue dates is denied.

The Parties joint request to continue the mediation date is:

☒ Granted. All dates remain on calendar except as follows:

Mediation: July 31, 2014, at 9:30 a.m.

All prehearing conference and hearing dates are confirmed and shall proceed as calendared.

IT IS SO ORDERED.

DATE: July 08, 2014

/s/

MARIAN H. TULLY
Administrative Law Judge
Office of Administrative Hearings