

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

RIALTO UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2014040978

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

On August 18, 2014, the parties jointly filed a request to continue the dates in this matter on the ground that the parties wish to mediate the non-expedited issues and the District recently retained new counsel. The hearing is currently scheduled for September 8, 2014.

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. The parties have demonstrated good cause. This matter will be set as follows:

Mediation:

September 9, 2014 at 9:30 a.m. – to be held jointly
with OAH Case # 2014040982

Prehearing Conference: September 26, 2014 at 10:00 AM
Due Process Hearing: October 7, 2014 at 9:30 a.m., October 8 and 9, 2014
at 9:00 a.m., and October 13, 2014 at 1:30 p.m.
unless otherwise ordered, and continuing day to day,
Monday through Thursday, as needed at the
discretion of the Administrative Law Judge.

Please note that OAH does not schedule hearings on
the first Monday of the month, and therefore the
first day of hearing was set for one day after the
parties requested and the last day of hearing was set
for October 13, 2014.

IT IS SO ORDERED.

DATE: August 18, 2014

/s/

ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings