

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

FREMONT UNION HIGH SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2015020207

ORDER GRANTING REQUEST FOR
SECOND MEDIATION AND
REQUEST TO CONTINUE DUE
PROCESS HEARING

On February 27, 2015, Fremont Union High School District filed a request for a second mediation and a request to continue the dates currently set in this matter. Fremont represents that these are the requests of both parties.

Request for Second Mediation

Typically the Office of Administrative Hearings schedules and conducts one mediation per case to help the parties resolve their dispute without the need for a due process hearing. The mediation in this case was scheduled for February 26, 2015, from 9:30 a.m. to 4:30 p.m. The parties and the ALJ arrived for the mediation; however, they were only able to mediate for less than an hour due to Mother's work schedule. Requests for second mediations in the same case are rarely granted. In this case, however, Student's family is self-represented, the parties willingly attempted to participate in mediation, and according to the motion, Mother's schedule can be adjusted on March 12, 2015, the day requested by the parties. In light of the foregoing, the request to hold a second day of mediation is granted.

Motion to Continue

The parties also seek to continue the dates set for the prehearing conference and due process hearing so they can participate in the reconvened mediation.

A due process hearing must be conducted and a decision rendered within 45 days of receiving the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); and Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) As a result, continuances are disfavored. Good cause may include a party, counsel, or an essential witness's unavailability due to death, illness or other excusable circumstances; an attorney's substitution in the interest 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 a case such that it is not ready for hearing. (See Cal. Rules of Court,

rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the hearing date's proximity to the request; 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. This matter will be set as follows

Mediation:	March 12, 2015, at 9:30 AM
Prehearing Conference:	March 20, 2015, at 10 AM
Due Process Hearing:	April 1, 2015, at 1:30 PM, April 2, 2015, at 9:00 AM and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: March 3, 2015

/s/

JOY REDMON
Administrative Law Judge
Office of Administrative Hearings