

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN MATEO UNION HIGH SCHOOL
DISTRICT.

OAH Case No. 2015010181

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

On March 27, 2015, the parties filed a joint request to continue the dates in this matter. No reason was given for the request to continue, except the box for “Initial Continuance Request” was checked, and it was followed by a handwritten statement, “as to the Amended Req--.” However, the parties did ask for a mediation date of April 16, 2015, as part of the request.

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. However, the parties should understand that if an amended complaint has been filed, and a previous request for continuance was granted for the original complaint, it is not an “Initial Continuance Request,” and good cause must be established for the continuance. In the instant case, the parties’ request for mediation on April 16, 2015,

establishes good cause. No further requests for continuance will be granted without a showing of exceptional good cause. All dates are vacated. This matter will be set as follows:

Mediation:	April 16, 2015, at 9:30 a.m.
Prehearing Conference:	May 18, 2015, at 10:00 a.m.
Due Process Hearing:	June 2 and 3, 2015, at 9:30 a.m., on June 2, 2015, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: March 27, 2015

/s/

REBECCA FREIE
Administrative Law Judge
Office of Administrative Hearings