

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

CHICO UNIFIED SCHOOL DISTRICT AND CORE BUTTE CHARTER
SCHOOL.

OAH CASE NUMBER 2023110213

ORDER GRANTING REQUEST FOR CONTINUANCE AND
SETTING MEDIATION

JANUARY 9, 2024

On January 9, 2024, the parties jointly filed a request to continue the due process hearing with the Office of Administrative Hearings, OAH, in order to accommodate mediation.

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. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) Speedy resolution of the due process hearing is mandated by law and continuance of the hearing may be granted only upon a showing of good cause. (Ed. Code, § 56505, subd. (f)(3).) In ruling

upon a motion for continuance, OAH is guided by the provisions found within the Administrative Procedure Act and the California Rules of Court that concern motions to continue. (Cal. Code Regs., tit. 1, § 1020; Cal. Rules of Court, rule 3.1332.) Generally, continuances of matters are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

The parties' request is interpreted as a request to reschedule the mediation currently set for January 10, 2024, to February 9, 2024, due to Chico Unified School District's substitution of counsel.

The request is granted. All previously scheduled dates are vacated, including the mediation currently set for January 10, 2024. The new dates are as follows:

MEDIATION will be held on February 9, 2024, from 9:00 AM to 4:30 PM.

PREHEARING CONFERENCE will be held on February 16, 2024, at 1:00 PM.

DUE PROCESS HEARING will be held on February 27, 28, and 29, 2024.

The mediation, prehearing conference, and due process hearing will be held by videoconference or telephone, unless otherwise ordered. The due process hearing will begin at 9:30 AM on all days, and generally end at 3:30 PM, unless otherwise ordered. The hearing will continue day to day, as needed, Mondays and Fridays included, at the discretion of the Administrative Law Judge. Prehearing conference statements and motions are due to OAH no later than three business days before the prehearing conference. Late motions will only be considered if good cause is established for the late filing.

The parties must immediately give potential witnesses the hearing dates, and must subpoena witnesses, if necessary, so they are available to testify.

Failing to properly notify or subpoena a witness is not good cause to delay the hearing.

IT IS SO ORDERED.

A handwritten signature in cursive script, reading "Claire Yazigi".

Claire Yazigi

Administrative Law Judge

Office of Administrative Hearings