BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. MARYSVILLE JOINT UNION SCHOOL DISTRICT AND TWIN RIVERS UNIFIED SCHOOL DISTRICT.	OAH CASE NO. 2013060425 ORDER GRANTING IN PART AND DENYING IN PART REQUEST FOR CONTINUANCE AND SETTING MEDIATION, PREHEARING CONFERENCE AND DUE PROCESS HEARING

On June 25, 2013, the parties filed a joint request to continue the dates in this matter. There have been no prior continuances. As discussed below the request is granted as to the prehearing conference (PHC) and due process hearing, and denied as to the 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 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).) The Office of Administrative Hearings (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 in part. Pursuant to an order from OAH, Student was deemed to have filed an amended complaint on June 19, 2013. The 30-day resolution session period does not expire until July 19, 2013. No mediation may be held during the resolution period unless the

parties have waived their resolution session, and elect to use mediation in lieu of the resolution session. No such notice has been filed by the parties with respect to the resolution session on the amended complaint. Accordingly, the parties request to advance the mediation in this matter to July 18, 2013, falls within the 30-day resolution session period and is denied. The dates for the PHC and due process hearing are vacated. This matter will be set as follows:

Mediation:	July 24, 2013, at 9:30 AM
Prehearing Conference:	August 19, 2013, at 10:00 AM
Due Process Hearing:	August 26 – 29, 2013, beginning at 1:30 PM on August 26, 2013, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

Dated: June 26, 2013

/s/

BOB N. VARMA
Presiding Administrative Law Judge
Office of Administrative Hearings