

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

STOCKTON UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2011100965

ORDER DENYING REQUEST FOR  
CONTINUANCE

On April 23, 2012, the parties filed a joint request to continue the dates in this matter. The parties requested mediation be set for April 25, 2012, and the prehearing conference currently set for April 25, 2012, be continued to April 26, 2012.

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:

Denied. All prehearing conference and hearing dates are confirmed and shall proceed as calendared. Here the parties have filed a request to continue and requested a mediation be set within two days of the request. OAH cannot accommodate such a

late request for mediation. Furthermore, OAH does not set prehearing conferences on days other than Mondays and Wednesdays, unless there is a special circumstance. This matter does not present such a circumstance. OAH is willing to grant the parties a continuance in order to facilitate another mediation, however, OAH cannot accommodate the parties current request. Accordingly, the request is denied. The parties may resubmit the request if the parties can propose dates during the week of April 30, 2012, or later for mediation, and accordingly request a continuance of the prehearing conference and due process hearing.

IT IS SO ORDERED.

Dated: April 24, 2012

/s/

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