

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

WEST CONTRA COSTA UNIFIED
SCHOOL DISTRICT.

OAH CASE NO. 2012010479

ORDER DENYING REQUEST TO
SCHEDULE MEDIATION

On January 27, 2012, the parties filed a request to schedule mediation in this matter on February 17, 2012. The parties did not request a continuance of the hearing date.

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, the Office of Administrative Hearings (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).)

Mediation is voluntary and the parties may either cancel mediation, if it is inconvenient, or request to reschedule mediation. OAH will try to accommodate the parties, however, OAH does not currently calendar initial mediations on Fridays, the day requested by the parties in this case. OAH may, at its discretion, schedule a Friday mediation, if the parties can provide a reason why they cannot participate in mediation on a Tuesday, Wednesday or Thursday. Here, the parties have provided no justification for why they require a Friday mediation. Without such information, OAH declines to schedule an initial Friday mediation. Accordingly, the parties' request is denied.

IT IS SO ORDERED.

Dated: January 30, 2012

/s/

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