

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

KEYES UNION ELEMENTARY SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2013060774

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

On September 12, 2013, the Keyes Union Elementary School District (District) filed a request to continue the due process hearing in this matter on the grounds that it had been informed by Parents that they were in the process of trying to obtain representation for Student and they desired to participate in mediation. District agreed with Parents' request for further mediation, and did not oppose Parents' request for time to obtain representation. Therefore, District filed a request for continuance stating Student's grounds for a continuance. The Office of Administrative Hearings (OAH) attempted, unsuccessfully, to reach Parents on September 12 and 13, 2013, to ascertain if Parents agreed to the requested continuance. On September 13, 2013, District filed a supplemental document which had, as an attachment, Parents' email to District's counsel agreeing to the continuance. Accordingly, this is treated as a joint request for continuance.

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. All dates are vacated. This matter will be set as follows:

Mediation:	October 3, 2013, at 9:30 ¹
Prehearing Conference:	October 21, 2013, at 10:00 AM
Due Process Hearing:	October 29, 2013, at 9:30 AM, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

Dated: September 13, 2013

/s/

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

¹ If this date is not convenient to the parties, they may request an alternate mediation date, choosing a Tuesday, Wednesday or Thursday.