

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

MOUNTAIN VIEW-LOS ALTOS UNION
HIGH SCHOOL DISTRICT AND
MOUNTAIN VIEW WHISMAN SCHOOL
DISTRICT.

OAH Case No. 2016040285

ORDER DENYING INITIAL REQUEST
FOR CONTINUANCE WITHOUT
PREJUDICE

On May 5, 2016, the parties filed a joint request to continue the dates in this matter with the Office of Administrative Hearings. This is the first request for a 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:

Denied. OAH is not able to accommodate the parties' request to schedule mediation on May 10, 2016. The parties are encouraged to resubmit their request for a continuance and select a mediation date not sooner than May 17, 2016, and which falls at least one week beyond the date they file their request. The parties can also request new hearing dates as needed. All prehearing conference and hearing dates are confirmed as calendared.

IT IS SO ORDERED.

DATE: May 6, 2016

DocuSigned by:

Theresa Ravandi

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THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings