

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.

OAH Case No. 2016040285

ORDER GRANTING JOINT REQUEST  
FOR CONTINUANCE; VACATING  
CURRENT DATES; AND SETTING  
PREHEARING CONFERENCE AND  
DUE PROCESS HEARING DATES

On May 12, 2016, the parties filed an initial joint request to continue the dates in this matter with the Office of Administrative Hearings.

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:

The parties request to reschedule the mediation to May 19, 2016. Due to operational needs, OAH cannot accommodate this request at this time. The parties may contact OAH on Monday, May 16,

2016, after 3:00 p.m. to determine if OAH's status has changed and the request can be accommodated.

Prehearing Conference: May 20, 2016 at 10:00 a.m.

Due Process Hearing: May 31, 2016<sup>1</sup>, at 1:30 p.m. and June 1– June 2, 2016, at 9:00 a.m., and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

The parties shall immediately notify all potential witnesses of the hearing dates, and shall subpoena witnesses if necessary, to ensure that the witnesses will be available to testify. A witness will not be regarded as unavailable for purposes of showing good cause to continue the hearing if the witness is not properly notified of the hearing date or properly subpoenaed, as applicable.

The parties are encouraged to continue working together to reach an agreement before the due process hearing. The parties shall inform OAH in writing immediately should they reach a settlement or otherwise resolve the dispute before the scheduled hearing. In addition, if a settlement is reached within five days of the scheduled start of the due process hearing, the parties shall also inform OAH of the settlement by telephone at (916) 263-0880.

IT IS SO ORDERED.

DATE: May 13, 2016

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DENA COGGINS  
Administrative Law Judge  
Office of Administrative Hearings

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<sup>1</sup> The parties request the due process hearing start on May 30, 2016. However, that request is denied, as May 30 is a state holiday.