

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

LONG BEACH UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2016050025

ORDER GRANTING JOINT REQUEST
FOR CONTINUANCE OF MEDIATION

May 24, 2016, the parties filed a joint request to continue the mediation only in this matter with the Office of Administrative Hearings. This request followed a May 17, 2016 order from OAH granting a joint first request to continue all dates. The parties are not seeking a second continuance of the prehearing conference or hearing dates.

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. Since the parties are seeking to continue only the mediation, and not the prehearing conference or hearing, the request is:

Granted. The initial mediation date is vacated. All other dates remain on calendar. This mediation will be set as follows:

Mediation: June 22, 2016 at 9:30 AM

IT IS SO ORDERED.

DATE: May 25, 2016

DocuSigned by:
Marc Levine
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MARC LEVINE
Administrative Law Judge
Office of Administrative Hearings