BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. WEST COVINA UNIFIED SCHOOL DISTRICT.	OAH Case No. 2016060906 ORDER GRANTING PARTIES' JOINT REQUEST FOR INITIAL CONTINUANCE AND SETTING MEDIATION, PREHEARING CONFERENCE, AND HEARING DATES

Student's request for a due process hearing was filed with the Office of Administrative Hearings on June 13, 2016, and the matter was set for hearing on August 8, 2016. On June 27, 2016, Student and West Covina Unified School District filed a joint request for a first continuance of the mediation, prehearing conference, and hearing dates in this matter.

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 parties' joint request for a first continuance is:

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

Mediation:	August 16, 2016 at 9:30 a.m., at West Covina Unified School District, 1717 West Merced Avenue, West Covina, CA 91790.
Prehearing Conference:	October 17, 2016 at 10:00 a.m.

Due Process Hearing: October 25 – 27, 2016, commencing at 9:30 a.m. on the first day and 9:00 a.m. each day thereafter, 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.

IT IS SO ORDERED.

.DATE: June 28, 2016

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ROBERT G. MARTIN
Administrative Law Judge
Office of Administrative Hearings