

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

v.

SEQUOIA UNION HIGH SCHOOL
DISTRICT,

OAH CASE NO. 2011010029

SEQUOIA UNION HIGH SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2010120827

ORDER VACATING MEDIATION AND
DENYING REQUEST TO CONTINUE
PREHEARING CONFERENCE

On January 10, 2011, Eugene Whitlock, attorney for the Sequoia Union High School District (District), filed a request to continue the mediation and prehearing conference (PHC) in this matter, on the grounds of unavailability of counsel. The Office of Administrative Hearings (OAH) did not receive a response from Student.

This matter is set for mediation on February 8, 2011. District requests that the mediation be taken off calendar and the parties agree upon a mutually agreeable date for mediation, and inform OAH accordingly. District did not meet and confer with Student regarding rescheduling of the mediation. Mediation is voluntary and any party may decline to participate in the mediation.

The PHC in this matter is set for February 16, 2011. District requests that the PHC be continued to February 18, 2011. Again, District did not meet and confer with Student. Furthermore, District has proposed a continued date upon which OAH is unavailable.

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. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) Speedy resolution of the due process hearing is mandated by law and continuance of the hearing may be granted only upon a showing of good cause. (Ed. Code, § 56505, subd. (f)(3).) In ruling upon a motion for continuance, OAH is guided by the provisions found within the Administrative Procedure Act and the California Rules of Court that concern motions to continue. (Cal. Code Regs., tit. 1, § 1020;

Cal. Rules of Court, rule 3.1332 .) Generally, continuances of matters are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

OAH has reviewed the request for good cause and the request is:

Granted in part and denied in part as follows:

1. District's request to vacate the February 8, 2011 mediation is granted.
2. District's request to continue the PHC to February 18, 2011 is denied, without prejudice. District may meet and confer with Student and submit a new request to continue to a date on which OAH holds PHCs. Counsel is encouraged to review OAH's Special Education Scheduling Guide and OAH's calendar, both of which are available at OAH's website, prior to submitting a new request to continue.

IT IS SO ORDERED.

Dated: January 18, 2011

/s/

BOB VARMA
Administrative Law Judge
Office of Administrative Hearings