

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN MATEO UNION HIGH SCHOOL
DISTRICT.

OAH CASE NO. 2012040686

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
MEDIATION, PREHEARING
CONFERENCE, AND HEARING

On May 23, 2012, the parties filed a joint request to continue the dates in this matter. based upon Father's inability to be present at mediation on the date currently set, and the need to have the prehearing conference (PHC) on a date after the proposed mediation date.

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).) The Office of Administrative Hearings (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 is set as follows:

Mediation: June 15, 2012, at 9:30 a.m.¹
Prehearing Conference: June 27, 2012 at 10:00 a.m.²
Due Process Hearing: July 9, 2012 at 1:30 p.m.³

IT IS SO ORDERED.

Dated: May 24, 2012

/s/

REBECCA FREIE
Administrative Law Judge
Office of Administrative Hearings

¹ OAH does not typically set mediations on Fridays. However, here the parties have presented evidence that qualifies this as a special circumstance.

² The parties did not designate a date for the PHC in the request for continuance, so a date has been chosen for the parties based on OAH's operational needs.

³ If the hearing is to take more than one day, it will proceed on consecutive days, excluding weekends and holidays, until concluded unless otherwise ordered.