

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

NATOMAS UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2012050482

ORDER GRANTING REQUEST FOR  
CONTINUANCE AND SETTING  
MEDIATION DATE

On June 13, 2012, the parties filed with the Office of Administrative Hearings (OAH) a joint request for continuance of the mediation date of June 14, 2012, to June 25, 2012. They also asked that the prehearing conference (PHC) be continued from June 25, 2012, to June 27, 2012. OAH granted the request to continue the PHC, but denied the request to continue the mediation to June 25, 2012, because the parties did not establish good cause for scheduling the mediation on a Monday, a day on which OAH does not ordinarily schedule mediations. The parties were advised that if they still wished the mediation to be set on June 25, 2012, they would need to submit declarations explaining the reason for their request.

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. The parties have filed declarations from their respective counsel explaining that June 25, 2012, is the only date the parties and their attorneys mutually have available for mediation prior to the hearing which is set to begin July 3, 2012.<sup>1</sup> The previous mediation date is vacated and the mediation is now set as follows:

Mediation: June 25, 2012, at 9:30 a.m.

IT IS SO ORDERED.

Dated: June 15, 2012

/s/

---

REBECCA FREIE  
Administrative Law Judge  
Office of Administrative Hearings

---

<sup>1</sup> On June 15, 2012, the District also filed a request to continue the due process hearing currently set to begin July 3, 2012. However, Student must be given the opportunity to respond, and shall have three business days to do so, so the request to continue the due process hearing is deferred.