

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

VENTURA UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2012100789

ORDER GRANTING REQUEST FOR
CONTINUANCE OF PREHEARING
CONFERENCE AND DENYING
REQUEST TO CONTINUE HEARING

PREHEARING CONFERENCE:
FEBRUARY 20, 2013 @ 1:30 PM
HEARING: UNCHANGED

On February 6, 2013, the parties filed a joint stipulated request to continue the dates in this matter so that they could finalize a settlement agreement. This is the parties' second request for continuance. The matter was filed on October 22, 2012. On December 6, 2012, OAH granted the parties' first stipulated request for continuance, continuing the prehearing conference to February 11, 2013 at 10 AM, and the hearing to February 26, and 27, 2013. The parties attended mediation on December 19, 2013.

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 in part, and denied in part. The parties' request for a continuance of the hearing to finalize a settlement agreement is not good cause. The matter was filed on October 22, 2012, and continued on December 6, 2012, based upon the parties' stipulation. The parties attended mediation December 19, 2013. As such, the parties have had ample time to effectuate a settlement, and given the amount of time that has already elapsed since the matter was filed, there is no reason that they cannot finalize a settlement before the currently scheduled hearing dates. OAH will accommodate the parties by continuing the prehearing conference to February 20, 2013 at 1:30 PM.

Prehearing Conference: February 20, 2013 @ 1:30 PM
[The parties are required to submit prehearing conference statements no later than Friday, February 15, 2013. The prehearing conference will go forward unless OAH receives a timely Notice of Withdrawal.]

Due Process Hearing
(unchanged): February 26, and 27, 2013, at 9:30 AM, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

Dated: February 06, 2013

/s/

EILEEN COHN
Administrative Law Judge
Office of Administrative Hearings