

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

PALO ALTO UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2012110807

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

This case is currently set for hearing on February 19, 2013, with a telephonic prehearing conference (PHC) on February 11, 2013. On January 18, 2013, the parties filed with the Office of Administrative Hearings (OAH) a joint request to continue the dates in this matter and schedule mediation for February 21, 2013. This is the second request for continuance. Although the parties utilized the OAH request for continuance form, they failed to provide an explanation for the need for a second continuance, as requested by the form.

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. All dates are vacated. The parties request a mediation date beyond the currently scheduled hearing date. A review of the docket shows that Student previously filed a notice of cancellation of mediation. Good cause is found based upon the parties' desire to attend mediation. The parties are admonished to complete the continuance form in full and to also specify the number of days requested for hearing. This matter will be set as follows:

Mediation:	February 21, 2013 at 10:00 AM
Prehearing Conference:	May 6, 2013 at 1:30 PM
Due Process Hearing:	May 13, 2013 at 1:30 PM, May 14 and 15, 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: January 18, 2013

/s/  
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THERESA RAVANDI  
Administrative Law Judge  
Office of Administrative Hearings