

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

CHINO VALLEY UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2013080920

ORDER GRANTING FIRST JOINT
REQUEST FOR CONTINUANCE AND
SETTING MEDIATION, PREHEARING
CONFERENCE, AND DUE PROCESS
HEARING

On October 11, 2013, the parties filed a first joint request to continue this matter to agreed dates, with hearing dates within 90 days of the initial hearing 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).) 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.

Mediation:

October 29, 2013, at 9:30 a.m. (OAH does not set mediations on Mondays. The date requested by the parties was Monday, October 28, 2013. Accordingly, the date set is the next day, which is a Tuesday.)

Prehearing Conference: November 22, 2013, at 1:00 p.m. (OAH sets prehearing conferences on Mondays and Fridays. The date requested by the parties was not a Monday or Friday. Accordingly, the date set is the date closest to, but not before, the date requested.)

Due Process Hearing: December 2, 2013, at 1:30 p.m., and December 3, 4, 2013, at 9:00 a.m., and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

Dated: October 11, 2013

/s/

MARIAN H. TULLY
Administrative Law Judge
Office of Administrative Hearings