

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LAS VIRGENES UNIFIED SCHOOL
DISTRICT AND VENTURA COUNTY
SPECIAL EDUCATION LOCAL PLAN
AREA.

OAH CASE NO. 2013110885

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

On March 3, 2014, the parties filed a third joint request to continue the dates in this matter. The parties request this continuance so that that they can continue working on an amicable resolution to the dispute following their February 5, 2014. The parties assert that they require an additional mediation to facilitate a final resolution, and that the total time allotted to continuances from the first hearing date scheduled by OAH, through the date the parties currently request, will be no more than 90 days.

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. This matter will be set as follows:

Mediation: March 12, 2014, 9:30 a.m.
Prehearing Conference: April 7, 2014, 1:00 p.m.
Due Process Hearing: April 15, 2014, 9:30 a.m., April 16 and April 17, 9:00 a.m., and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

No further continuances shall be granted on the grounds of ongoing settlement discussions, and continuances for any reason shall be disfavored.

IT IS SO ORDERED.

DATE: March 03, 2014

/s/

EILEEN COHN
Administrative Law Judge
Office of Administrative Hearings