

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SYLVAN UNION SCHOOL DISTRICT.

OAH Case No. 2014010077

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

On April 25, 2014, the parties filed a joint request to continue the dates in this matter. The parties indicate that they have reached an interim agreement which includes both the Sylvan Union School District (Sylvan) and independent assessors completing evaluations and also calls for an individual education program (IEP) team meeting to be held following the completion of the evaluations. The parties contend that the IEP team meeting called for in the interim agreement will not be convened until the beginning of September 2014 and that Sylvan and Student's attorney are scheduled to be in hearing in an unrelated due process matter during September 2014, so the parties have asked for hearing dates in mid-October 2014.

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).) The Office of Administrative Hearings (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. The parties have shown good cause for a continuance in this matter, but not for the length of time proposed by the parties. This matter has been pending since January 2014 and a continuance until October 2014 would result in a hearing decision being rendered almost one year after the case was filed. This matter will be set as follows and **no further continuances will be granted (however, the parties may move to change these hearing dates to mutually agreeable dates earlier than the dates below):**

Mediation:	July 24, 2014, at 9:30 a.m.
Prehearing Conference:	August 8, 2014, at 10:00 a.m.
Due Process Hearing:	August 19, 2014, at 9:30 a.m., and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: April 28, 2014

/s/

MARGARET BROUSSARD
Administrative Law Judge
Office of Administrative Hearings