

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

WILLIAM S. HART UNION HIGH
SCHOOL DISTRICT.

OAH CASE NO. 2014020637

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

On April 2, 2014, the parties filed a joint first request to agreed upon dates for mediation, due process hearing and prehearing conference. The parties have requested dates beyond 90 days from the initial date set for the due process hearing on the grounds the parties have agreed to conduct assessments and conduct an individualized education program in an attempt to achieve a settlement before a hearing.

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 the request is granted. All dates are vacated. The parties are expected to be diligent in conducting the assessments and further continuances for failure to complete the assessments are unlikely to be granted absent extraordinary circumstances. This matter will be set as follows:

Mediation: May 6, 2014 at 9:30 a.m. [NOTE DATE CHANGE –

The parties requested mediation on May 5, 2014. OAH does not conduct mediations on Mondays, the date set is the next available date.]

Prehearing Conference: August 18, 2014 at 10:00 a.m.

Due Process Hearing: August 25, 2014, at 1:30 p.m.,
August 26-28, 2014, at 9:30 a.m., and continuing day to day as needed at the discretion of the Administrative Law Judge. [NOTE START TIME AND DATE CHANGE - OAH begins hearings at 1:30 p.m. on Mondays and does not conduct hearings on Fridays as requested.]

IT IS SO ORDERED.

DATE: April 02, 2014

/s/

MARIAN H. TULLY
Administrative Law Judge
Office of Administrative Hearings