

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

JEFFERSON UNION HIGH SCHOOL
DISTRICT.

OAH Case No. 2014041162

ORDER GRANTING REQUEST FOR
CONTINUANCE, SETTING NEW
PREHEARING CONFERENCE AND
HEARING DATES, AND DENYING
REQUEST TO ADVANCE
MEDIATION

On April 28, 2014, Student filed with the Office of Administrative Hearings a request for a due process hearing naming Jefferson Union High School District. OAH granted the parties' initial request for a continuance on May 30, 2014, setting the matter for hearing beginning September 16, 2014. On July 10, 2014, OAH granted Student's request to file an amended complaint and the timelines were reset, with hearing set to begin on September 3, 2014. On July 30, 2014, the parties filed a second joint request to continue the dates in this matter requesting that the hearing be continued and that the mediation date be advanced.

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 in part. Pursuant to an order from OAH, Student was deemed to have filed an amended complaint on July 10, 2014. The 30-day resolution session period does not expire until August 9, 2014. The parties' request to advance the mediation in this matter to August 6, 2014, falls within the 30-day resolution session period and is denied. The dates for the PHC and due process hearing are vacated. This matter will be set as follows:

Mediation:	August 14, 2014, at 9:30 a.m.
Prehearing Conference:	September 8, 2014, at 1:00 p.m. ¹
Due Process Hearing:	September 16, 2014, at 9:30 a.m., September 17-18, 2014, 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.

DATE: July 30, 2014

/s/

THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings

¹ The requested date of September 9, 2014, cannot be accommodated as PHC's are only held on Mondays and Fridays.