

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

WOODLAND JOINT UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2014100247

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

On February 17, 2015, the parties filed a joint request to continue the dates in this matter based upon the parties having entered into an interim agreement calling for multiple assessments of Student over the next 60 days. The parties wish to mediate after convening an individualized education program team meeting, before proceeding to due process if needed. This is the second request for a continuance.

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 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. This matter has been pending since October 3, 2014. OAH granted an initial request for continuance on November 19, 2014, and the matter is currently scheduled for hearing beginning March 3, 2015. The parties are requesting an additional 90-day continuance. Although OAH supports the parties' continued efforts to resolve this matter,

granting the additional continuance will result in a final decision issuing more than nine months after the initial filing. The request is:

Granted. All dates are vacated. **However, the parties are advised that OAH will not entertain any further requests for continuance absent a showing of substantial good cause unrelated to the pending assessments and scheduling of an IEP team meeting.** This matter will be set as follows:

Mediation:	April 28, 2015, at 9:30 a.m.
Prehearing Conference:	May 18, 2015, at 1:00 p.m.
Due Process Hearing:	June 2, 2015, at 9:30 a.m., June 3-4, 2015, at 9:00 a.m., and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. ¹

IT IS SO ORDERED.

DATE: February 18, 2015

/s/

THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings

¹ OAH is not available for hearings on June 1, 2015, the first Monday of the month.