

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LAS VIRGENES UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2014100733

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

On February 3, 2015, the parties filed a request to schedule a second mediation and a second joint request to continue the prehearing conference and due process hearing. On October 28, 2014, OAH first continued the due process hearing from December 9, 2014, to February 17, 2015. The parties filed this second joint request in order to give the parties time to complete an agreed upon comprehensive reevaluation and conduct an individualized education program (IEP) team meeting. The parties anticipate the reevaluation will be completed and an IEP meeting held by “mid February or early March.” Accordingly, in the event the matter does not resolve at the IEP team meeting, the parties request a second mediation be set on March 5, 2015, and the prehearing conference and due process hearing be continued to agreed dates.

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. However, although there is good cause for this

second continuance, no further continuances are contemplated because the parties will have had more than enough time to negotiate and prepare for hearing. This matter will be set as follows:

Mediation:	March 5, 2015, at 9:30 a.m.
Prehearing Conference:	March 16, 2015, at 1:00 p.m.
Due Process Hearing:	March 24, 25, and 26, 2015, beginning at 9:30 a.m., the first day and 9:00 a.m. all other days, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: February 04, 2015

/s/

MARIAN H. TULLY
Administrative Law Judge
Office of Administrative Hearings