

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

CONEJO VALLEY UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2015061197

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

On September 24, 2015, the parties jointly filed a second request to continue the dates in this matter.

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 original complaint was filed on June 18, 2015. The parties contend that they are engaged in settlement negotiations, that assessments of Student are pending completion within two weeks of their request, and they anticipate that the District will hold an IEP meeting by early November, at which they hope to resolve all issues. The parties have established good cause. However, because this second continuance will result in this matter being six months old by the time of hearing, OAH does not contemplate granting any further continuances.

The request is:

Granted. All dates are vacated. This matter will be set as follows:

Mediation: Parties have not requested a second mediation.

Prehearing Conference: November 16, 2015 at 10:00 a.m. AM

Due Process Hearing: December 1, 2015 at 9:30 a.m., December 2 and 3, 2015 at 9:00 a.m. and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. Please note that OAH is not available for hearings on Fridays, and therefore the parties' request for hearing on December 4, 2015 is denied, and the first day of hearing has been advanced by one day.

IT IS SO ORDERED.

DATE: September 25, 2015

/s/

ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings