

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

NORWALK-LA MIRADA UNIFIED
SCHOOL DISTRICT.

OAH CASE NO. 2012090570

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

On February 8, 2013, the parties filed a joint second request to continue the mediation, prehearing conference, and hearing dates in this matter. Student filed his complaint on September 19, 2012. Pursuant to an interim settlement agreement, the parties filed a joint stipulation to continue the initially assigned dates, which would enable completion of assessments that would be reviewed in an individualized education program (IEP) meeting, before proceeding with mediation and, if necessary, hearing. On October 24, 2012, OAH granted the parties' request and continued the mediation to February 13, 2013 and the hearing to March 4 through 7, 2013.

In their second request for continuance, the parties state that two of the assessments are delayed and will not be completed before the end of February. Accordingly, they have scheduled an IEP for March 11, 2013, and have agreed to continued dates for mediation and hearing. Both parties desire to have the IEP team review the assessments. Accordingly, the parties seek a second continuance to enable them to have a meaningful and productive mediation.

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 continuance and considered all relevant facts and circumstances, including the parties' collaboration in agreeing to a continuance of dates in order to fully explore resolution at mediation. Good cause existing therefore, the request is granted.

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

- Mediation: **March 14, 2013, at 9:30 AM**, at the District offices, located at **12820 Pioneer Blvd., Norwalk, CA 90650.**
- Prehearing Conference: **March 27, 2013, at 1:30 p.m.**
- Due Process Hearing: **April 8, 9, 10, and 11, 2013**, commencing at 1:30 PM. on the first day of hearing, and 9:00 AM on all remaining days. The hearing will take place at District offices, located at **12820 Pioneer Blvd., Norwalk, CA 90650.**

NOTE: In light of the age of the original filing and the inability of the parties to resolve this dispute informally to date, no further continuances are contemplated.

IT IS SO ORDERED.

Dated: February 08, 2013

/s/

CLIFFORD H. WOOSLEY
Administrative Law Judge
Office of Administrative Hearings