BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

IRVINE UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2022050292

OAH CASE NUMBER 2022010218

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

JUNE 10, 2022

On January 10, 2022, Irvine filed a request for a due process hearing in Office of Administrative Hearings, referred to as OAH, Case No. 2022010218. On January 18, 2022, the parties jointly requested a continuance to allow the parties to mediate the matter. Mediation was set for April 22, 2022 as requested by the parties. The mediation was cancelled on April 21, 2022 by Student.

On May 6, 2022, Student filed a request for due process and an accompanying motion to consolidate. An order granting Student's motion was issued on May 10, 2022. On June 8, 2022, the parties filed with OAH a request to continue this matter, based upon their desire to mediate the consolidated cases.

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. (Ed. Code, § 56505, subd. (f)(3); 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 or imposing conditions on the continuance; and any other relevant fact or circumstance. (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. All dates are vacated. The continuance request is granted for good cause arising from the parties' first request for mediation in the consolidated cases. Due to the age of Irvine's initial filing, further requests for a continuance will be greatly disfavored. This matter will be set as follows:

Mediation will be held on Friday, June 24, 2022, at 1:30 PM to 5:00 PM. The mediation will be held by videoconference through MS Teams.

Prehearing Conference will be held on Friday, August 12, 2022, at 1:00 PM.

Due Process Hearing will be held on August 23, 2022, through August 25, 2002. The hearing shall begin at 9:30 AM on all days unless otherwise ordered. The hearing shall continue day to day, as needed at the discretion of the Administrative Law Judge.

The parties shall immediately notify all potential witnesses of the hearing dates, and shall subpoena witnesses if necessary, to ensure their availability to testify. Good cause for witness unavailability is not established by failing to properly notify or subpoena a witness. Prehearing conference statements and motions are due to OAH no later than three business days before the prehearing conference or with evidence of good cause why it was not possible to file the motion by that date.

IT IS SO ORDERED.

Ted Mann

Ted Mann
Administrative Law Judge
Office of Administrative Hearings