BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

CLOVIS UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2024041077

OAH CASE NUMBER 2024060139

ORDER GRANTING REQUEST FOR CONTINUANCE AND SETTING MEDIATION

NOVEMBER 5, 2024

On November 4, 2024, the parties jointly filed a request to continue the due process hearing with the Office of Administrative Hearings, OAH, to accommodate a second mediation. Specifically, the parties were involved in a previous due process hearing in OAH case number 2024010630, resulting in a decision dated September 20, 2024. The parties engaged in mediation in the current matter on August 26, 2024, which was prior to the issuance of that decision. The parties maintain that because the mediation was prior to issuance of the September 20, 2024, decision, good cause exists for a second mediation for the parties to engage in settlement negotiation after the

issuance of that decision. The parties request a full day of mediation on November 19, 2024, the date currently set for hearing.

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. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) Speedy resolution of the due process hearing is mandated by law and continuance of the hearing may be granted only upon a showing of good cause. (Ed. Code, § 56505, subd. (f)(3).) In ruling upon a motion for continuance, OAH is guided by the provisions found within the Administrative Procedure Act and the California Rules of Court that concern motions to continue. (Cal. Code Regs., tit. 1, § 1020; Cal. Rules of Court, rule 3.1332.) Generally, continuances of matters are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

The parties established good cause for a second mediation on November 19, 2024, and that hearing be continued to accommodate it. The parties did not, however, establish good cause for the length of continuance requested. The parties requested that hearing be continued to January 14, 15, and 16, 2025. The primary case in this matter was filed on April 26, 2024. If the parties' request is granted, the case will be almost nine months old at the time it is heard. Instead, a modest continuance is granted to allow for mediation and the filing of PHC statements the following day. The parties are advised that, because of the age of the case, no further continuance will be granted absent a showing of extraordinary good cause. Otherwise, the parties are expected to proceed with hearing on December 3, 2024.

All previously scheduled dates are vacated. The new dates are:

MEDIATION will be held on November 19, 2024, at 9:00 AM to 4:30 PM.

PREHEARING CONFERENCE will be held on November 25, 2024, at 10:00 AM.

DUE PROCESS HEARING will be held on December 3, 4, and 5, 2024.

The mediation, prehearing conference, and due process hearing will be held by videoconference or telephone, unless otherwise ordered. The due process hearing will begin at 9:30 AM on all days, and generally end at 3:30 PM, unless otherwise ordered. The hearing will continue day to day, as needed, Mondays and Fridays included, at the discretion of the Administrative Law Judge. Prehearing conference statements and motions are due to OAH no later than three business days before the prehearing conference. Late motions will only be considered if good cause is established for the late filing.

The parties must immediately give potential witnesses the hearing dates, and must subpoena witnesses, if necessary, so they are available to testify. Failing to properly notify or subpoena a witness is not good cause to delay the hearing.

IT IS SO ORDERED.

Claire Yazigi

Claire Yazigi
Administrative Law Judge
Office of Administrative Hearings