BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

PALO ALTO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025041223

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

JULY 24, 2025

On April 28, 2025, Parent, on behalf of Student, filed a request for due process hearing, also called a complaint, with the Office of Administrative Hearings, called OAH, naming Palo Alto Unified School District as respondent. On June 3, 2025, the parties first joint request for continuance and mediation was granted. Mediation was scheduled for July 14, 2025 and the hearing was scheduled to begin September 9, 2025. On July 11, 2025 Student called and cancelled the mediation. No reason was offered for the

cancellation. On July 14, 2025, OAH granted Student's request to amend the complaint, resetting timelines for the hearing.

On July 24, 2025, the parties jointly filed a request for a second mediation date and a second continuance, using the form for initial requests for mediation and continuance. No explanation for the cancellation of the first mediation was offered. No reason for delaying mediation until September 24, 2025, or good cause for continuing the hearing to October 28, 2025 was offered.

OAH must conduct a due process hearing and render a decision 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).)

Amended complaints do not automatically entitle parties to a second mediation. However, mediation is encouraged in special education cases. In this instance, the undersigned will overlook the failure to explain the reason for the prior mediation cancellation and will grant the mediation. In the future, the parties are reminded that a request for a second mediation date must be accompanied by an explanation for the cancellation of the first one scheduled.

This case was originally filed on April 28, 2025. Student originally sought more than a four-month continuance of the hearing. This requested continuance asks to

schedule the hearing six months after the filing of the original complaint without providing any good cause or explanation for the request. The requested length of continuance will not be granted. However, a short continuance to facilitate the requested mediation will be granted.

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

MEDIATION will be held on September 24, 2025 from 9:00 AM to 12:30 PM.

PREHEARING CONFERENCE will be held on September 29, 2025 at 10:00 AM.

DUE PROCESS HEARING will be held on October 7, 8, and 9, 2025.

No Further Continuances will be granted absent sworn declarations establishing extraordinary circumstances.

The mediation, prehearing conference, and due process hearing will be held by videoconference 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.

Penelope Pahl

Penelope S. Pahl
Administrative Law Judge
Office of Administrative Hearings