

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

SANTA ROSA CITY SCHOOLS.
OAH CASE NUMBER 2021060720

ORDER GRANTING MOTION FOR MEDIATION AND
CONTINUING PREHEARING CONFERENCE AND DUE
PROCESS HEARING

SEPTEMBER 28, 2021

On June 18, 2021, Student filed a due process complaint with the Office of Administrative Hearings, called OAH, naming Santa Rosa City Schools, as respondent. On July 6, 2021, OAH granted the parties' joint request and scheduled mediation for August 23, 2021, and continued the due process hearing to September 8 and 9, 2021. On August 18, 2021, Student filed a motion to amend the complaint. On August 20, 2021, Student canceled the mediation. OAH granted Student's motion to amend on August 25, 2021 and issued a new scheduling order, setting the hearing for October 19, 20, and 21, 2021.

On September 8, 2021, the parties filed a joint request for mediation and continuance of the due process hearing. The parties submitted the request on the form designated for initial mediation and continuance requests. On September 10, 2021, OAH denied the request because the parties did not explain why mediation was cancelled.

On September 22, 2021, Student filed a motion for mediation and continuance of the hearing, explaining that the prior mediation was cancelled because OAH had not yet ruled on the motion to amend. Student wanted to assure that Santa Rosa's attorneys had an opportunity to review and discuss the amended complaint with their client before mediation. Also, the scheduling order's new hearing dates conflict with counsel's previously noticed appearances in Superior Court of California, County of Sonoma.

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; previous continuances or delays; the length of continuance requested;; 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).)

Here, the parties have demonstrated good cause. The motion is granted. The matter will be set as follows:

MEDIATION will be held on October 4, 2021, 9:00 AM to 4:30 PM.

PREHEARING CONFERENCE will be held on October 22, 2021, at 3:00 PM.

DUE PROCESS HEARING will be held November 2, 3, and 4, 2021.

PARTICIPANT INFORMATION SHEETS FOR MEDIATION AND PREHEARING CONFERENCES MUST BE FILED TWO BUSINESS DAYS PRIOR TO THE DATE OF THE SCHEDULED EVENT.

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. Prehearing conference statements and motions are due to OAH no later than three business days before the prehearing conference or with a showing of good cause why it was not timely filed.

IT IS SO ORDERED.

A handwritten signature in blue ink, appearing to read "Clifford H. Woosley", is written over the typed name.

Clifford H. Woosley

Administrative Law Judge

Office of Administrative Hearings