

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

IN THE MATTER OF:  
PARENTS ON BEHALF OF STUDENT,

v.

INGLEWOOD UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021060815

ORDER GRANTING REQUEST FOR CONTINUANCE AND  
SETTING VIDEOCONFERENCE PREHEARING CONFERENCE  
AND DUE PROCESS HEARING; DENYING  
REQUEST FOR MEDIATION

SEPTEMBER 20, 2021

On June 21, 2021, Student filed a Request for Due Process Hearing with the Office of Administrative Hearings, called OAH, naming Inglewood Unified School District. On July 9, 2021, OAH granted the parties' joint request to continue the due process hearing and set the hearing for September 28, through 30, 2021. On August 9, 2021, the parties participated in mediation. On September 16, 2021, the parties jointly filed a second request to continue the due process hearing and a request

for mediation because Student's attorney is scheduled to appear in an expedited due process hearing in a different OAH case on the same dates as the due process hearing in this case. The parties agreed to new hearing dates.

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 continuance request for good cause and considered all relevant facts and circumstances. The request is granted. The unavailability of Student's attorney due to an expedited hearing is good cause to continue the hearing in this case. Further, Inglewood does not oppose the continuance and the parties agreed to new

hearing dates. However, the request for a mediation is denied. The parties already participated in mediation and did not show good cause for scheduling a second one.

Accordingly, all current hearing dates are vacated, and the case is set as follows:

Prehearing Conference will be held on November 8, 2021, at 10:00 AM. The prehearing conference will be held via videoconference.

Due Process Hearing will be held on November 16, through 18, 2021. The due process hearing will be held via videoconference. The hearing will begin at 9:30 AM, and generally end at 3:30 PM, on each day, unless otherwise ordered. The hearing will continue day to day, as needed, at the discretion of the Administrative Law Judge.

The parties must immediately notify all potential witnesses of the hearing dates, and must 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 for why it was not possible to file the motion by that date.

IT IS SO ORDERED.

*Tara Doss*

Tara Doss

Administrative Law Judge

Office of Administrative Hearings