

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT

v.

VISTA UNIFIED SCHOOL DISTRICT

OAH CASE NUMBER 2021070623

ORDER GRANTING REQUEST FOR SECOND
VIDEOCONFERENCE MEDIATION AND CONTINUANCE OF

DUE PROCESS HEARING

SEPTEMBER 14, 2021

On July 19, 2021, Parents on behalf of Student filed a due process hearing request with the Office of Administrative Hearings, called OAH, naming Vista Unified School District. On August 19, 2021, OAH granted the parties' request for mediation and a due process hearing continuance. On September 3, 2021, Student's counsel canceled the mediation due to exigent circumstances. On September 13, 2021, the parties' requested a second mediation for September 22, 2021, and a continuance of the due process hearing to October 12, 2021.

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).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is granted. All dates are vacated. The parties established good cause for a second mediation date and continuance. This matter will be set as follows:

MEDIATION DATE is September 22, 2021, 9:00 a.m. to 4:30 p.m.

MEDIATION will occur via telephone or video.

PREHEARING CONFERENCE will be held on October 4, 2021, at 3:00 p.m.

DUE PROCESS HEARING will be held on October 12, 13, and 14, 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 a.m. 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 cursive script that reads "Cynthia Fritz".

Cynthia Fritz

Administrative Law Judge

Office of Administrative Hearings