

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

V.

GLENDALÉ UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021061032

ORDER DENYING REQUEST FOR RESETTING THE
MEDIATION AND CONTINUANCE OF THE DUE PROCESS
HEARING

OCTOBER 1, 2021

On June 29, 2021, Student filed with the Office of Administrative Hearings, referred to as OAH, a Request for Due Process Hearing, naming Glendale Unified School District. On July 27, 2021, OAH granted the parties' joint request for mediation on October 4, 2021 and a continuance of the due process hearing to November 16 through 18, 2021.

On September 29, 2021, the parties filed a joint request to continue the mediation to November 15, 2021 and the due process hearing to January 11 through 13, 2022, on the grounds that Student's counsel "was recently informed of an unforeseen

travel requirement that requires her to fly out of state” and will not return in time to attend the October 4, 2021 mediation, and the “parties’ counsel have several hearings in October and November.”

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 request for good cause and considered all relevant facts and circumstances. The request is:

Denied. All prehearing conference and hearing dates are confirmed and shall proceed as calendared. The parties have failed to establish good cause for resetting the

mediation on November 15, 2021 or the requested continuance of the hearing to January 2022. The moving papers do not explain the “unforeseen travel requirement” or why Student’s counsel was prevented from attending a mediation being conducted by videoconference while out of state. The conclusory representation that the parties have several hearings in October and November 2021 is insufficient to justify the requested mediation date or the length of the continuance requested. The parties may file a new joint request, addressing the deficiencies noted above.

IT IS SO ORDERED.

Laurie Gorsline

Laurie Gorsline

Administrative Law Judge

Office of Administrative Hearings