

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT

V.

SWEETWATER UNION HIGH SCHOOL DISTRICT.

OAH CASE NUMBER 2021070944

ORDER GRANTING REQUEST FOR SECOND MEDIATION
AND CONTINUANCE OF DUE PROCESS HEARING

OCTOBER 5, 2021

On July 29, 2021, Parents on behalf of Student filed a due process hearing complaint with the Office of Administrative Hearing, called OAH, naming Sweetwater Union High School District. OAH granted the parties' request for mediation on September 29, 2021. On September 27, 2021, Student's counsel cancelled the mediation without explanation.

On October 4, 2021, the parties requested a second mediation for November 4, 2021, and a due process hearing to begin December 14, 2021. Student's explanation for the mediation cancellation is unpersuasive as the parties agreed to the September 29, 2021 mediation date and Student should have planned accordingly. Further, the explanation does not give any specificity as to why the issue could not have been resolved before mediation. Additionally, it is unclear based on Student counsel's representation that the same issue will not arise again.

However, the undersigned supports the parties' belief that mediation can resolve this case and therefore grants a second mediation in this matter. No further mediations will be granted absent exigent circumstances.

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).)

The parties failed to establish good cause for a continuance beyond the requested mediation date. Thus, a short continuance is granted to accommodate the mediation. All dates are vacated. This matter is set as follows:

Mediation Date is November 4, 2021, 9:00 AM to 4:30 PM.

Mediation will occur via telephone or video.

Prehearing Conference will be held on November 12, 2021, at 3:00 PM.

Due Process Hearing will be held on November 23, and 24, 2021.

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.

Cynthia Fritz

Cynthia Fritz

Administrative Law Judge

Office of Administrative Hearings