

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

SEQUOIA UNION HIGH SCHOOL DISTRICT.

OAH CASE NUMBER 2021080208

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

OCTOBER 28, 2021

On August 4, 2021, Parent on behalf of Student filed a due process hearing request with the Office of Administrative Hearings naming Sequoia Union High School District as respondent. The Office of Administrative Hearing granted the parties' request for an October 6, 2021 mediation date and continuance of the prehearing conference and due process hearing to November 1, 2021, and November 9, 2021, respectively. Sequoia Union cancelled the mediation due to exigent circumstances. On October 28, 2021, the parties requested a second mediation date to November 8, 2021, and a due process hearing continuance to January 11, 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 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; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See 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; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

The undersigned reviewed the parties' request and considered all relevant facts and circumstances. The parties established good cause for a second mediation date and for the length of the due process hearing continuance. Accordingly, the parties' request for a second mediation and a due process hearing continuance is granted. All dates are vacated. This matter is set as follows:

MEDIATION DATE is November 8, 2021, 9:00 AM to 4:30 PM.

MEDIATION will occur via telephone or video.

PREHEARING CONFERENCE will be held on January 3, 2022, at 10:00 AM.

DUE PROCESS HEARING will be held on January 11, 12, and 13, 2022.

ANY CHANGES TO THE PARTICIPANTS' EMAIL ADDRESSES PROVIDED BY THE PARTIES MUST BE FILED TWO BUSINESS DAYS BEFORE 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 the Office of Administrative Hearings 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 black ink that reads "Cynthia Fritz". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

Cynthia Fritz

Administrative Law Judge

Office of Administrative Hearings