

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

SACRAMENTO CITY UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021100021

ORDER GRANTING REQUEST FOR VIDEOCONFERENCE
MEDIATION AND DENYING DUE PROCESS HEARING
CONTINUANCE

OCTOBER 29, 2021

On October 1, 2021, Parents on behalf of Student filed a due process hearing request with the Office of Administrative Hearings, referred to as OAH, naming Sacramento City Unified School District as respondent. OAH set the prehearing conference and due process hearing for November 15, 2021, and November 23, 2021, respectively. On October 28, 2021, the parties requested a November 10, 2021 mediation date and a due process hearing continuance to February 8, 2022.

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 request for mediation is granted. The parties requested mediation date is before the currently scheduled prehearing conference and due process hearings dates. Thus, the parties failed to establish good cause to continue this matter. Accordingly, the parties' request for a due process hearing continuance is denied. The mediation date is set as follows:

MEDIATION DATE is November 10, 2021, 9:00 AM to 4:30 PM.

MEDIATION will occur via telephone or video.

ANY CHANGES TO THE PARTICIPANTS' EMAIL ADDRESSES PROVIDED BY THE PARTIES IN THEIR REQUEST MUST BE FILED TWO BUSINESS DAYS BEFORE THE SCHEDULED EVENT.

The currently scheduled prehearing conference and due process hearing dates remain on calendar.

IT IS SO ORDERED

A handwritten signature in cursive script that reads "Cynthia Fritz".

Cynthia Fritz

Administrative Law Judge

Office of Administrative Hearings