

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

CALAVERAS COUNTY OFFICE OF EDUCATION AND
CALAVERAS UNIFIED SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NUMBER 2021100579

ORDER FOLLOWING PREHEARING CONFERENCE
GRANTING REQUEST FOR VIDEOCONFERENCE
MEDIATION AND CONTINUANCE OF DUE PROCESS
HEARING

NOVEMBER 8, 2021

On November 8, 2021, Administrative Law Judge Rommel P. Cruz, Office of Administrative Hearings, held a prehearing conference by videoconference. The Administrative Law Judge is called an ALJ. The Office of Administrative Hearings is called OAH. The prehearing conference is called a PHC.

Attorney Eliza McArthur appeared on behalf of Calaveras County Office of Education and Calaveras Unified School District. Parent appeared by phone on behalf of Student. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

CONTINUANCE

At the PHC, the parties jointly requested to continue the due process hearing to allow the parties to participate in mediation. Student also requested additional time to allow Parent to retain counsel.

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. OAH considers all relevant facts and circumstances in determining whether good cause exists to grant an extension. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The parties' request for mediation and continuance of the hearing demonstrates good cause and is therefore, granted. All dates are vacated. The matter will be set as follows:

MEDIATION

Mediation will be held on January 7, 2022, 9:00 AM to 4:30 PM. Mediation will occur via telephone or video.

PREHEARING CONFERENCE

PHC will be held on January 28, 2022, at 1:00 PM. PHC statements and motions are due to OAH no later than three business days before the PHC, or with a showing of good cause why it was not possible to file the motion by that date.

Participant information sheets for mediation and the PHC must be filed two business days prior to the date of the scheduled event.

DUE PROCESS HEARING

The hearing will take place on February 8, 9, and 10, 2022, and continue day to day at the discretion of the ALJ. The hearing shall begin at 9:30 AM each day and generally end at 3:30 PM, unless otherwise ordered.

The parties shall immediately notify all potential witnesses of the hearing dates and shall subpoena witnesses, if necessary, to ensure that the witnesses will appear to testify. A party's failure to notify or subpoena a witness to testify will not be considered good cause to continue the hearing. Instructions for issuing and responding to subpoenas and optional forms for subpoenas can be found on the website at <https://www.dgs.ca.gov/OAH/Case-Types/Special-Education/Forms/Subpoenas?search=special%20education%20subpoena>.

At the PHC, Student requested Parent be served by mail to Parent's home address, as Parent is unable to access documents served through the OAH Secure e-file Transfer System. All further service to Parent and Student shall be by mail to Parent's

home address, and not through the OAH Secure e-file Transfer System. Parent shall promptly notify OAH, Calaveras County, and Calaveras Unified of any change to Parent's mailing address.

IT IS SO ORDERED.

Rommel P. Cruz

Rommel P. Cruz

Administrative Law Judge

Office of Administrative Hearings