

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

COACHELLA VALLEY UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021100014

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

DECEMBER 8, 2021

On September 28, 2021, Parents on behalf of Student filed a due process hearing request with the Office of Administrative Hearings, called OAH, naming Coachella Valley Unified School District. On November 12, 2021, OAH granted the parties' request for a December 8, 2021 mediation, and a hearing continuance to January 19, 2022.

At 3:00 PM, on December 7, 2021, the parties filed a request to change the December 8, 2021 mediation to January 18, 2022, and continue the due process hearing to March 1, 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).)

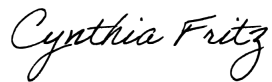
The Individuals with Disabilities Education Act and OAH strongly encourage dispute resolution before a due process hearing. One mediation is scheduled for the parties at public expense. Here, the parties cancelled mediation, a date requested by the parties, with little notice and after a mediator was assigned. The parties failed to explain why the request was made with such short notice.

Further, the parties failed to establish good cause to reschedule the mediation. The desire to complete a future independent psychoeducational evaluation and hold an individualized education program meeting before mediation is not good cause.

Additionally, the parties failed to give any specificity regarding unavailability to March 1, 2022. Accordingly, the parties' request to reschedule the mediation and continue the due process hearing is denied.

The parties may resubmit the request with further explanation supported by a declaration as to why OAH should grant a second mediation date and hearing continuance in this matter.

IT IS SO ORDERED

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

Cynthia Fritz

Administrative Law Judge

Office of Administrative Hearings