

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

GLENDORA UNIFIED SCHOOL DISTRICT.
OAH CASE NUMBER 2021080725

ORDER DENYING REQUEST FOR CONTINUANCE AND
SETTING MEDIATION

JANUARY 27, 2022

On January 26, 2022, the parties jointly filed with the Office of Administrative Hearings, referred to as OAH, a request to continue this matter, based upon a desire to participate in a second mediation. The matter was initially filed in August 2021, after which the parties participated in mediation. An amended complaint was granted in December 2021. The parties then submitted this request for a second mediation and continuance on the form designated for initial mediation and continuance requests.

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 IDEA and OAH encourages prehearing mediation and resolution. The request to continue a matter to accommodate an initial mediation constitutes good cause. That mediation is provided at public expense. Good cause must be established, however, for a second mediation and additional continuances. The parties have already participated in mediation in this case. Their request for a second mediation and continuance did not provide any facts supporting their request.

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is denied. All prehearing conference and hearing dates are confirmed and shall proceed as calendared. Nothing shall prevent the parties from resubmitting their request with a showing of good cause to support a second mediation and continuance.

IT IS SO ORDERED.

A handwritten signature in cursive script that reads "Claire Yazigi".

Claire Yazigi

Administrative Law Judge

Office of Administrative Hearings