

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

IN THE MATTER OF:  
PARENTS ON BEHALF OF STUDENT,

v.

CENTRALIA ELEMENTARY SCHOOL DISTRICT.

OAH CASE NUMBER 2021090237

ORDER GRANTING REQUEST FOR CONTINUANCE AND  
SETTING SECOND HALF-DAY MEDIATION

JANUARY 28, 2022

On September 8, 2021, Student filed with the Office of Administrative Hearings, referred to as OAH, a request for due process hearing naming Centralia Elementary School District. The parties requested a continuance to participate in mediation, which was granted on October 19, 2021, setting the mediation for December 6, 2021. On December 6, 2021, Centralia cancelled the mediation.

On January 27, 2022, the parties submitted a joint request for a further continuance and a second mediation, based upon the recent completion of assessments and an initial individualized education program team meeting, that will, in the parties'

opinion, facilitate settlement discussions, and the pendency of which justified cancellation of the first scheduled mediation.

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; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (Ed. Code, § 56505, subd. (f)(3); 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 or imposing conditions on the continuance; and any other relevant fact or circumstance. (Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

Granted. All dates are vacated. The continuance request is granted for good cause. This matter will be set as follows:

MEDIATION DATE is February 17, 2022, 9:00 AM to 12:30 PM. At the parties' request, this mediation is set as a half-day mediation.

MEDIATION will occur via telephone or video.

PREHEARING CONFERENCE will be held on April 15, 2022 at 1:00 PM.

DUE PROCESS HEARING will be held on April 26 through 28, 2022.

PARTICIPANT INFORMATION SHEETS FOR MEDIATION AND PREHEARING CONFERENCES MUST BE FILED TWO BUSINESS DAYS PRIOR TO THE DATE OF 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 OAH 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 cursive script that reads "June Lehrman".

June Lehrman

Administrative Law Judge

Office of Administrative Hearings