

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

SANTA ANA UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021110632

ORDER GRANTING REQUEST FOR CONTINUANCE AND
SETTING MEDIATION

JANUARY 5, 2022

On January 5, 2022, the parties jointly fled with the Office of Administrative Hearings, or OAH, a request to continue this matter to allow for 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. (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 parties established good cause for continuing this matter to allow for mediation. When a matter is continued initially to accommodate mediation, OAH sets the due process hearing within 60 days of the mediation. Here the parties requested the due process hearing be scheduled one week later, commencing on April 12, 2021. The parties acknowledged this request was longer than typical and asserted that they are both available for hearing starting that day. Given the unique circumstances of this request, it will be granted. However, the parties are on notice that no further continuances will be granted absent extraordinary good cause.

The parties' request to continue this matter to allow for mediation is granted.

Mediation will be held on February 7, 2022, from 9:00 AM to 4:30 PM.

Prehearing Conference will be held on April 4, 2022, at 1:00 PM.

Due Process Hearing will be held on April 12, 13, and 14, 2022. 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.

The parties shall immediately notify all potential witnesses of the hearing dates, and shall subpoena witnesses if necessary, to ensure their availability to testify. Good cause for witness unavailability is not established by failing to properly notify or

subpoena a witness. Prehearing conference statements and motions are due to OAH no later than three business days before the prehearing conference or with evidence of good cause why it was not possible to file the motion by that date.

IT IS SO ORDERED.

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

Claire Yazigi

Administrative Law Judge

Office of Administrative Hearings