

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

INNER CITY EDUCATION FOUNDATION PUBLIC SCHOOLS,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NUMBER 2022010019

ORDER GRANTING REQUEST FOR CONTINUANCE AND
SETTING MEDIATION, PREHEARING CONFERENCE AND
DUE PROCESS HEARING

JANUARY 24, 2022

On January 18, 2022, Inner City Education Foundation Public Schools filed with the Office of Administrative Hearings, referred to as OAH, a request for mediation and to continue this matter, based on Student's agreement to participate in mediation. The joint request submitted with the request did not include Student's legal guardian's written consent because Parent had not returned it to Inner City Education.

At the January 21, 2022 prehearing conference there was no appearance on behalf of Student and the request was denied without prejudice.

On January 24, 2022, the parties filed a joint request for mediation and continuance of the hearing, which contained the typewritten signature of Student's legal guardian and an explanation from Inner City Education's counsel that written consent from Student's legal guardian was not received until after the prehearing conference.

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 parties' request for mediation constitutes good cause for the continuance and Inner City Education's counsel has explained the delay in submitting

the second request. Based on the representation from counsel for Inner City Education that the signed joint request was not received back from Parent until after the prehearing conference, the request is granted. All previously scheduled dates in this matter are vacated. The new dates are:

MEDIATION DATE is February 22, 2022, 9:00 AM to 12:30 PM.

MEDIATION will occur via videoconference or telephone.

PREHEARING CONFERENCE will be held on March 21, 2022, at 10:00 AM.

DUE PROCESS HEARING will be held on March 29 and 30, 2022. March 31, 2022 is a holiday.

PARTICIPANT INFORMATION SHEETS FOR MEDIATION AND PREHEARING CONFERENCES MUST BE FILED TWO BUSINESS DAYS PRIOR TO THE DATE OF THE SCHEDULED EVENT.

ANY CHANGES TO THE PARTICIPANTS' EMAIL ADDRESSES PROVIDED BY THE PARTIES IN THEIR REQUEST MUST BE FILED TWO BUSINESS DAYS BEFORE THE SCHEDULED EVENT.

The parties shall immediately notify all potential witnesses of the hearing dates, and shall subpoena witnesses if necessary, to ensure their availability to testify. A party's failure to notify or subpoena a witness to testify will not be considered good cause to continue the hearing. 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.

Laurie Gorsline

Laurie Gorsline

Administrative Law Judge

Office of Administrative Hearings