

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

WILLIAM S. HART UNION HIGH SCHOOL DISTRICT.

OAH CASE NUMBER 2021110381

ORDER GRANTING REQUEST FOR SECOND
VIDEOCONFERENCE MEDIATION AND CONTINUANCE OF
DUE PROCESS HEARING

FEBRUARY 7, 2022

On November 11, 2021, Parents on behalf of Student filed a due process hearing request with the Office of Administrative Hearing, called OAH, naming William S. Hart Union High School District. On December 16, 2021, OAH granted the parties' request for mediation and a due process hearing continuance. OAH set the mediation for February 9, 2022, and the due process hearing to begin on March 15, 2022. On February 4, 2022, the parties requested to cancel the February 9, 2022 mediation and reset it for March 11, 2022, and continue the due process hearing to April 26, 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 undersigned reviewed the requests for good cause and considered all relevant facts and circumstances. The parties established good cause to continue the mediation; however, did not establish good cause for the length of the due process hearing continuance. All dates are vacated. This matter will be set as follows:

MEDIATION DATE is March 11, 2022, 9:00 AM to 4:30 PM.

MEDIATION will occur via telephone or video.

PREHEARING CONFERENCE will be held on March 18, 2022, at 3:00 PM.

DUE PROCESS HEARING will be held on March 29 and 30, 2022.

ANY CHANGES TO THE PARTICIPANTS' EMAIL ADDRESSES PROVIDED BY THE PARTIES IN THEIR PRIOR CONTINUANCE REQUEST MUST BE FILED TWO BUSINESS DAYS BEFORE 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 "Cynthia Fritz".

Cynthia Fritz

Administrative Law Judge

Office of Administrative Hearings