

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

GLENDALÉ UNIFIED SCHOOL DISTRICT,

and

PARENT ON BEHALF OF STUDENT,

OAH CASE NUMBER 2022020081

OAH CASE NUMBER 2021100296

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

FEBRUARY 11, 2022

On October 11, 2021, Student filed with the Office of Administrative Hearings, called OAH, a Request for Due Process Hearing in OAH case number 2021100296, naming Glendale Unified School District. On January 21, 2022, OAH granted the parties' request for mediation and a continuance of the due process hearing. The parties mediated the case on January 21, 2022.

On February 1, 2022, Glendale filed a Request for Due Process Hearing in OAH case number 2022020081, naming Student, and concurrently filed a motion to consolidate the two cases. OAH granted Glendale's request for consolidation on February 3, 2021, designated case number 2022020081 as the primary case. The prehearing conference is set for February 14, 2022, and the due process hearing is scheduled for February 23, 2021, in this matter.

On February 9, 2022, the parties requested a mediation for April 12, 2022, and a due process hearing to begin on June 1, 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).)

OAH reviewed the parties' request and considered all relevant facts and circumstances. The parties' request for a mediation is granted. However, the parties' failed to establish good cause to continue this matter to June 1, 2022, particularly in considering their requested hearing date is over seven months after the original due process hearing request was filed. Thus, a continuance of the due process hearing is scheduled to accommodate the requested mediation date only. All dates are vacated. This matter will be set as follows:

MEDIATION DATE is April 12, 2022, 9:00 AM to 4:30 PM.

MEDIATION will occur via telephone or video.

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

DUE PROCESS HEARING will be held on April 26, 27, and 28, 2022.

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 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

Cynthia Fritz

Cynthia Fritz

Administrative Law Judge

Office of Administrative Hearings