

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

SAN MARCOS UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021100802

ORDER GRANTING REQUEST FOR SECOND MEDIATION
AND DUE PROCESS HEARING CONTINUANCE

MARCH 9, 2022

On October 27, 2021, Parents on behalf of Student filed a due process hearing request with the Office of Administrative Hearings, called OAH, naming San Marcos Unified School District. On December 6, 2021, OAH granted the parties' request for mediation and a due process hearing continuance. The mediation was set for February 25, 2022, and the due process hearing to begin on March 22, 2022. On February 24, 2022, Student cancelled the mediation due to a medical issue.

On March 9, 2022, the parties filed a joint request for second mediation for March 21, 2022, and a due process hearing continuance to May 17, 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 request for good cause and considered all relevant facts and circumstances. The parties established good cause for a second mediation; however, did not explain with any specificity why the parties are unavailable until May 17, 2021. Thus, a short continuance is granted to accommodate the parties' mediation. All dates are vacated. The matter will be set as follows:

MEDIATION DATE is March 21, 2022, 9:00 AM to 4:30 PM.

MEDIATION will occur via telephone or video.

PREHEARING CONFERENCE will be held on March 28, 2022, at 3:00 PM.

DUE PROCESS HEARING will be held on April 5, 6, and 7, 2022.

PARTICIPANT INFORMATION SHEETS FOR MEDIATION AND PREHEARING
CONFERENCES 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