

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT

V.

MONROVIA UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021110767

ORDER DENYING REQUEST FOR SECOND MEDIATION
AND JOINT MOTION FOR CONTINUANCE OF DUE
PROCESS HEARING

MARCH 04, 2022

On March 2, 2022, the parties jointly filed with the Office of Administrative Hearings, referred to as OAH, a request for a second mediation and a motion for a second continuance of the hearing, because the parties seek additional time to review information that may lead to settlement.

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.

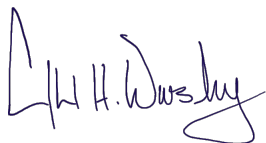
Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other 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. (Cal. Rules of Court, rule 3.1332(d).)

Here, the parties would like additional time to review information that may lead to settlement. However, the parties do not indicate the nature of the information or why it could not have been reviewed earlier. This does not sufficiently demonstrate good cause for a hearing continuance to May 2022, six months after the filing.

The parties' request for a second mediation and motion for continuance of the hearing are denied, without prejudice. The parties may refile their request for mediation and continuance, including additional facts regarding the need for continuance, with a proposed hearing date before May 2022.

All prehearing conference and hearing dates are confirmed and shall proceed as calendared.

IT IS SO ORDERED.

A handwritten signature in blue ink, appearing to read "Clifford H. Woosley".

Clifford H. Woosley

Administrative Law Judge

Office of Administrative Hearings