

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

V.

PLEASANT VALLEY SCHOOL DISTRICT AND VENTURA COUNTY
OFFICE OF EDUCATION.

OAH CASE NUMBER 2022020451

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

MARCH 18, 2022

On January 31, 2022, Student filed an unsigned Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming Pleasant Valley School District and Ventura County Office of Education. The Office of Administrative Hearings is referred to as OAH.

On February 10, 2022, Student filed a motion to amend the complaint, which included as attachments the signed complaint (Exhibit A) and a proposed first amended complaint (Exhibit B). OAH received no opposition from Respondents.

On February 14, 2022, issued a scheduling order, setting the matter for a prehearing conference on March 25, 2022 and the due process hearing on April 5 through 7, 2022.

On February 18, 2022, Respondents filed their respective responses to the original complaint.

On March 17, 2022, the parties filed a joint request to schedule a mediation on May 9, 2022 and continue the prehearing conference to June 27, 2022 and the hearing to July 5 through 7, 2022.

An amended complaint may be filed when the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or when the hearing officer grants permission. The hearing officer may grant permission at any time more than five days before the due process hearing. (20 U.S.C. §1415(c)(2)(E)(i).) The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).)

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).)

The motion to amend was filed more than five days prior to the due process hearing and Respondents did not file any opposition to the motion. The motion is timely and therefore is granted. The amended complaint which is attached as Exhibit B to the motion to amend shall be deemed filed on the date of this order. All applicable timelines shall be reset as of the date of this order. OAH will issue a scheduling order with the new dates.

The request to schedule a mediation and continue the prehearing conference and due process hearing is granted. The request to participate in mediation establishes good cause for the continuance. The new dates in the scheduling order which OAH has been instructed to issue shall be deemed vacated upon issuance and the matter shall be continued and scheduled to the following dates:

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

MEDIATION will occur via telephone or video.

PREHEARING CONFERENCE will be held on June 27, 2022, at 10:00 AM.

DUE PROCESS HEARING will be held on July 6 and 7, 2022. OAH does not schedule hearings to begin the day after a Monday holiday. July 4, 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 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.

Laurie Gorsline

Laurie Gorsline

Administrative Law Judge

Office of Administrative Hearings