

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

V.

SAUGUS UNION SCHOOL DISTRICT.

OAH CASE NUMBER 2022020517

ORDER DENYING REQUEST FOR CONTINUANCE

MARCH 25, 2022

On February 15, 2022, Student filed with the Office of Administrative Hearings, referred to as OAH, a Request for Due Process Hearing, called a complaint, naming Saugus Union School District and Templeton Unified School District. OAH set the prehearing conference for March 28, 2022 and the due process hearing for April 5 through 7, 2022.

On March 8, 2022, Student and Templeton filed a joint request for a March 23, 2022 mediation without a proof of service on Saugus. On March 10, 2022, the same joint request for a March 23, 2022 mediation was refiled with OAH. This time, it contained a statement that the mediation request was "between Student and Templeton Unified School District only" and attached a proof of service on counsel for Saugus. The

parties did not request a continuance of the hearing. On March 10, 2022, OAH granted the mediation request, and a mediation was held on March 23, 2022.

On March 23, 2022, each of the parties each filed a prehearing conference statement. Within Saugus' prehearing conference statement, it attached a request for an April 11, 2022 mediation and a continuance of the hearing to May 24 through 26, 2022, signed only by counsel for Student and Saugus. In the prehearing conference statement, Saugus explains that Templeton has not agreed to the requested hearing dates and that Saugus was never contacted to participate in the March 23, 2022 mediation. It claims it never learned of the mediation request until OAH issued the Order granting the March 23, 2022 mediation between Templeton and Student.

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).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

Denied without prejudice. Student filed his case against Saugus and his case in against Templeton in the same action. As such, a request to continue the hearing requires the consent of all parties absent an order after demonstrating good cause. While a request to mediate is generally good cause for a continuance of the hearing, it is unclear from the papers if Templeton actually disagreed with the requested hearing dates or was never consulted about the hearing dates.

All prehearing conference and hearing dates are confirmed and shall proceed as calendared unless otherwise ordered. The request for mediation and continuance of the hearing dates may be renewed at the March 28, 2022 prehearing conference where it will be addressed by the Administrative Law Judge. Prior to the prehearing conference Student and Saugus shall meet and confer with Templeton to attempt to agree upon dates. The parties may also file a new joint request prior to the prehearing conference which shall demonstrate Templeton's agreement to the requested continuance dates or

the efforts to meet and confer to agree upon new dates. The parties are reminded that all documents filed with OAH must be served on all other parties to the action. The only exception is the Participant Information Form.

IT IS SO ORDERED.

Laurie Gorsline

Laurie Gorsline

Administrative Law Judge

Office of Administrative Hearings