

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 GRANTING REQUEST FOR CONTINUANCE AND
SETTING MEDIATION, PREHEARING CONFERENCE AND
DUE PROCESS HEARING

MARCH 28, 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 between Student and Templeton, and a mediation was held on March 23, 2022.

On March 23, 2022, each of the parties filed a prehearing conference statement. Within Saugus’ prehearing conference statement, it attached a request for an April 12, 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 explained that Templeton had not agreed to the requested hearing dates and that Saugus was never contacted to participate in the March 23, 2022 mediation. It claimed it never learned of the mediation request until OAH issued the Order granting the March 23, 2022 mediation between Templeton and Student.

On March 25, 2022, OAH denied Student and Saugus’ request to set a mediation and a continuance of the hearing because they had not obtained Templeton’s agreement to the continuance. The parties were notified that they could either file a new request before the March 28, 2022 prehearing conference or renew their request at the prehearing conference, which request would require Templeton’s agreement to the continuance or the efforts to meet and confer and agree upon new dates.

On March 25, 2022, Student dismissed Templeton as a party to the action. On March 25, 2022, Student and Saugus filed a new joint written request for mediation and continuance of the hearing.

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:

Granted. All dates are vacated. By the March 25, 2022 Order, OAH gave the parties' permission to file a new joint request before the prehearing conference and Templeton has since been dismissed as a party. Accordingly, the parties had good cause for filing the request less than three days prior to the prehearing conference. In addition, a request for mediation is good cause for the requested first continuance of the matter. 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 May 16, 2022, at 3:00 PM.

DUE PROCESS HEARING will be held on May 24 through 26, 2022.

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