

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT

V.

SAN FRANCISCO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2022020622

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

MARCH 04, 2022

On March 1, 2022, the parties filed with the Office of Administrative Hearings, a request for mediation on March 11, 2022, and a joint motion to continue the hearing, based upon the unavailability of San Francisco Unified School District's counsel. The hearing is presently set to begin April 5, 2022, and the parties seek a short continuance to April 12, 2022.

The request for mediation is denied because March 11, 2022, is no longer available for mediations. The parties may ask for mediation on a later date, before the continued due process 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).)

Here, San Francisco Unified's attorney is scheduled for a due process hearing in another, older due process matter, on the same dates as the hearing scheduled in this matter. The parties have conferred and agreed upon continued dates.

The parties have demonstrated good cause and the motion to continue is granted: All dates are vacated, and the matter will be set as follows:

PREHEARING CONFERENCE will be held on April 4, 2022, at 3:00 PM.

DUE PROCESS HEARING will be held on April 12, 13, and 14, 2022.

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 possible to file the motion by that date.

IT IS SO ORDERED.

A handwritten signature in blue ink, appearing to read "Clifford H. Woosley", is written over the typed name.

Clifford H. Woosley

Administrative Law Judge

Office of Administrative Hearings