

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
MONROVIA UNIFIED SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NUMBER 2023090673

ORDER FOLLOWING PREHEARING CONFERENCE FOR
HEARING BY VIDEOCONFERENCE GRANTING REQUEST
FOR SECOND MEDIATION AND CONTINUING ALL DATES

JANUARY 12, 2024

On January 12, 2024, Administrative Law Judge Theresa Ravandi, Office of Administrative Hearings, held a prehearing conference by videoconference. The Administrative Law Judge is called an ALJ. The Office of Administrative Hearings is called OAH. The prehearing conference is called a PHC.

Attorney Justin Shinnfield appeared on behalf of Monrovia Unified School District. There was no appearance on behalf of Student. On the morning of January 12, 2024, prior to the scheduled 10:00 AM PHC, Parent called OAH and informed the case manager that Parent expected the PHC to be continued based on the parties' request

for mediation and for continuance. Parent did not receive the Order denying the parties' request until the evening of January 11, 2024, via overnight mail. Parent informed OAH she was not available for the PHC because of work commitments. The case manager informed Parent the PHC would proceed as scheduled. Attorney Shinnefield confirmed his office notified Parent of the Order denying the request for mediation and for continuance and encouraged Parent to contact OAH regarding her unavailability. The ALJ waited until 10:10 AM to convene the PHC. The PHC proceeded in Parent's absence and was recorded. Based upon discussion with Monrovia, the ALJ issues the following order:

REQUEST FOR SECOND MEDIATION AND CONTINUANCE

On January 9, 2024, the parties filed a request to schedule a second mediation and to continue all dates. On January 10, 2024, OAH denied the request as the parties failed to establish good cause for scheduling a second mediation. During the PHC, Monrovia renewed the parties' request and explained the initial mediation was cancelled due to participant illness.

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. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) Speedy resolution of the due process hearing is mandated by law and continuance of the hearing may be granted only upon a showing of good cause. Ed. Code, § 56505, subd. (f)(3). In ruling upon a motion for continuance, OAH is guided by the provisions found within the Administrative Procedure Act and the California Rules of Court that concern motions to continue. (Cal. Code Regs., tit. 1, § 1020; Cal. Rules of Court, rule 3.1332.) Generally, continuances of matters are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

Monrovia established good cause for scheduling a second mediation and for continuing the PHC and hearing dates.

Mediation is scheduled for January 24, 2024, from 9:00 AM until 4:30 PM. The mediation will occur via videoconference and the parties will receive a Zoom link to the mediation the afternoon prior to the mediation date.

The Prehearing Conference is continued to February 16, 2024, at 1:00 PM. Any prehearing motions shall be filed three business days prior to the continued prehearing conference or with a showing of good cause as to the late filing. PHC statements are due three business days prior to the PHC.

The Due Process Hearing is continued to February 27, 28, and 29, 2024, and shall proceed day to day at the discretion of the ALJ. The hearing shall begin at 9:30 AM each day and generally end at 3:30 PM, unless otherwise ordered.

PARTICIPANT INFORMATION SHEETS FOR THE PREHEARING CONFERENCE AND HEARING DATES MUST BE FILED TWO BUSINESS DAYS PRIOR TO THE DATE OF THE SCHEDULED EVENT.

OAH is authorized to conduct due process hearings by videoconference or telephone. (Cal. Code Regs., tit. 5, § 3082, subd. (g).) OAH will conduct the due process hearing by videoconference using the Zoom application. Unless otherwise ordered, participants are required to appear by videoconference using a computer or device with video capability and Zoom. The parties shall immediately notify all potential witnesses of the hearing dates and shall subpoena witnesses, if necessary, to ensure that the witnesses will appear to testify. A party's failure to notify or subpoena a witness to testify will not be considered good cause to continue the hearing. Instructions for issuing and responding to subpoenas and optional forms for subpoenas can be found

on the website at <https://www.dgs.ca.gov/OAH/Case-Types/Special-Education/Forms/Subpoenas?search=special%20education%20subpoena>.

SETTLEMENT

The parties are encouraged to work together to reach an agreement before the due process hearing. The parties shall inform OAH in writing immediately if they reach a settlement or otherwise resolve the dispute before the scheduled prehearing conference and hearing. Dates for the prehearing conference and hearing will not be cancelled unless a letter of withdrawal or signature page of a signed settlement agreement has been received and processed by OAH. If the matter settles subject to board approval, in addition to a signed copy of the signature page of the settlement agreement, the parties shall provide the date of the next board meeting. The hearing dates will not be cancelled without this information.

ORDER INCLUDES ALL RULINGS

This Order includes all rulings made at the PHC.

IT IS SO ORDERED.

Theresa Ravandi

Theresa Ravandi

Administrative Law Judge

Office of Administrative Hearings