

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

SAN MARINO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024030554

ORDER GRANTING REQUEST FOR CONTINUANCE AND
SETTING MEDIATION

APRIL 23, 2024

Prehearing conference was held in this matter on April 19, 2024. On April 22, 2024, the parties jointly filed a request to continue the due process hearing with the Office of Administrative Hearings, OAH. The parties seek continuance of due process hearing to accommodate a first mediation and ask that OAH consider this motion even though it was not brought at least three business days before prehearing conference.

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).)

Good cause exists to consider the parties' otherwise untimely motion. Through declaration, Student's counsel established that Student could not confirm the counsel's proposed dates for mediation and continued hearing at least three days before PHC. Good cause also exists to continue hearing to allow for the parties' participation in mediation. The request is granted. All previously scheduled dates are vacated. Since PHC has already occurred, no PHC date is included below. The new dates are:

MEDIATION: July 8, 2024, at 9:00 AM to 4:30 PM.

DUE PROCESS HEARING: August 13, 14, and 15, 2024.

The mediation and due process hearing will be held by videoconference or telephone, unless otherwise ordered. The due process hearing will begin at 9:30 AM on all days, and generally end at 3:30 PM, unless otherwise ordered. The hearing will continue day to day, as needed, Mondays and Fridays included, 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. Late motions will only be considered if good cause is established for the late filing.

The parties must immediately give potential witnesses the hearing dates, and must subpoena witnesses, if necessary, so they are available to testify. Failing to properly notify or subpoena a witness is not good cause to delay the hearing.

IT IS SO ORDERED.

A handwritten signature in cursive script that reads "Claire Yazigi".

Claire Yazigi

Administrative Law Judge

Office of Administrative Hearings