

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

SANTA ROSA CHARTER SCHOOL FOR THE ARTS AND SANTA
ROSA CITY SCHOOLS.

OAH CASE NUMBER 2024120669

ORDER FOLLOWING PREHEARING CONFERENCE FOR
HEARING BY VIDEOCONFERENCE DISMISSING CHARTER
SCHOOL AND GRANTING REQUEST FOR MEDIATION AND
FOR CONTINUANCE

JANUARY 27, 2025

On January 27, 2025, 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 Meghan Grim appeared on behalf of Parent and Student. Attorney Jan Tomsy appeared on behalf of Santa Rosa City Schools. Principal Sarah Imperato appeared on behalf of Santa Rosa Charter School for the Arts. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

STUDENT'S REQUEST TO DISMISS CHARTER SCHOOL

At the start of the PHC, Student moved to dismiss Charter School. Santa Rosa and Charter did not oppose. Charter school was dismissed and Principal Imperato left the PHC. This matter will proceed as to Santa Rosa only.

THE PARTIES' REQUEST FOR MEDIATION AND FOR CONTINUANCE

On January 27, 2025, the parties filed a request to schedule mediation and continue all dates. During the PHC, both parties were heard as to the late filing of this motion.

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 only 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).)

The parties established good cause for the late filing given on-going efforts to resolve this matter outside of mediation and a recent determination that mediation would assist in reaching a final settlement.

The parties' desire to participate in mediation constitutes good cause to continue this matter. All dates are vacated. This matter will be heard as follows:

Mediation is set for February 20, 2025, from 9:00 AM to 12:30 PM. Mediation will be held through videoconference.

The PHC will be held on March 17, 2025, at 10:00 AM. All PHC conference statements and any motions shall be filed three business days prior to the scheduled PHC or establish good cause for the late filing.

The due process hearing will be held on March 25, 26, and 27, 2025, and continue day-to-day as needed, at the discretion of the ALJ. The hearing shall begin at 9:30 AM on all days unless otherwise ordered. 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>.

IT IS SO ORDERED.

Theresa Ravandi

Theresa Ravandi

Administrative Law Judge

Office of Administrative Hearings