BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

NEW PACIFIC CHARTER - ROSEVILLE.

OAH CASE NUMBER 2024110157

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

JANUARY 2, 2025

On November 4, 2024, Parents on behalf of Student filed a due process hearing request with the Office of Administrative Hearings, called OAH, naming New Pacific Charter, Roseville. On November 20, 2024, OAH granted the parties' requests for mediation and a due process hearing continuance. On December 3, 2024, the date mediation was set, Student cancelled the mediation.

On December 19, 2024, the parties filed a motion for a second mediation and due process hearing continuance. 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; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See 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; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

The parties established good cause for a second mediation and continuance. The current prehearing conference and due process hearing dates are vacated. The dates are set as follows:

MEDIATION DATE is January 10, 2025, 9:00 AM to 4:30 PM.

MEDIATION will occur via telephone or video.

PREHEARING CONFERENCE will be held on January 17, 2025, at 3:00 PM.

DUE PROCESS HEARING will be held on January 28, 29, and 30, 2025.

PARTICIPANT INFORMATION SHEETS FOR MEDIATION AND PREHEARING CONFERENCES MUST BE FILED TWO BUSINESS DAYS BEFORE THE SCHEDULED EVENT.

The hearing will begin at 9:30 AM on all days unless otherwise ordered. The hearing will 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

Cynthia Fritz

Cynthia Fritz
Administrative Law Judge
Office of Administrative Hearings