BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

SADDLEBACK VALLEY UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2022120468

ORDER GRANTING REQUEST FOR CONTINUANCE OF DUE PROCESS HEARING

JANUARY 26, 2023

On December 14, 2022, Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming Saddleback Valley Unified School District. The Office of Administrative Hearings is referred to as OAH. OAH scheduled the hearing for January 31 through February 2, 2023.

On January 17, 2023, the parties filed a joint request for mediation on February 9, 2023, and a continuance of the hearing to April 11 through 13, 2023. On January 18, 2023, OAH granted the parties request for mediation but denied the requested hearing continuance to April 11 through 13, 2023 on the grounds the parties had not established good cause for the length of continuance. Instead, OAH continued

the prehearing conference to March 24, 2023 at 10:00 and continued the hearing to April 4 through 6, 2023.

On January 25, 2023, the parties filed a joint request renewing its request to schedule the hearing on April 11 through 13, 2023. The joint request seeks a one-week continuance of the hearing, from April 4 through 6, 2023, to April 11 through 13, 2023, on the grounds that Saddleback Valley's witnesses are unavailable during the week of April 4 through 6, 2023 because Saddleback Valley is on spring break that week.

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).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

Granted. The hearing dates are vacated. The February 9, 2023 mediation and the prehearing conference on March 24, 2023 at 10:00 AM will proceed as scheduled. The hearing is continued as follows:

DUE PROCESS HEARING will be held on April 11 through 13, 2023. 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.

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

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 parties shall immediately notify all potential witnesses of the hearing dates, and shall subpoena witnesses, if necessary, to ensure their availability to testify. Good cause for witness unavailability is not established by failing to properly notify or subpoena a witness. Prehearing conference statements and motions are due to OAH no

later than three business days before the prehearing conference or with evidence of good cause why it was not possible to file the motion by that date.

IT IS SO ORDERED.

Laurie Gorsline

Laurie Gorsline

Administrative Law Judge

Office of Administrative Hearings