BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

# IN THE MATTER OF:

# PARENTS ON BEHALF OF STUDENT,

v.

# BONSALL UNIFIED SCHOOL DISTRICT.

# OAH CASE NUMBER 2023070164

# ORDER GRANTING REQUEST FOR CONTINUANCE AND SETTING MEDIATION, PREHEARING CONFERENCE AND DUE PROCESS HEARING DATES

AUGUST 2, 2023

On August 1, 2023, the parties jointly filed a request to continue the due process hearing with the Office of Administrative Hearings, OAH, because they wish to engage in mediation.

OAH must conduct a due process hearing and issue a decision within 45 days of receiving the due process complaint, unless an extension is granted. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) Resolving the due process hearing quickly is legally required. Hearings may only be continued if "good cause" is established. (Ed. Code, § 56505, subd. (f)(3).) OAH is guided by the

Administrative Procedure Act and the California Rules of Court when ruling on continuance motions. (Cal. Code Regs., tit. 1, § 1020; Cal. Rules of Court, rule 3.1332.)

The parties have established good cause for the requested relief. The request is granted. All previously scheduled dates are vacated. The new dates are:

MEDIATION will be held on September 27, 2023, from 9:00 AM nto 4:30 PM.

PREHEARING CONFERENCE will be held on October 30, 2023, at 1 PM.

DUE PROCESS HEARING will be held on November 7, 8 and 9, 2023.

The mediation, prehearing conference, 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.

*Charles Marson*

Charles Marson
Administrative Law Judge
Office of Administrative Hearings