BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

BERKELEY UNIFIED SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NUMBER 2023100681

ORDER DENYING WITHOUT PREJUDICE STUDENT'S REQUEST TO CHANGE MEDIATION AND PREHEARING CONFERENCE DATES

DECEMBER 8, 2023

During the expedited prehearing conference on November 3, 2023, the parties requested a continuance of the non-expedited portion of the due process hearing to afford the parties the opportunity to participate in mediation. The parties stipulated to mediate the non-expedited claims on December 11, 2023, hold a prehearing conference of the non-expedited claims on January 8 2024, and a due process hearing of the non-expedited claims on January 17 and 18, 2024. OAH issued an Order on November 6, 2023, granting the parties' request and setting these mediation,

prehearing conference, and due process hearing dates, as mutually selected by the parties.

On December 7, 2023, Student filed a request to change the mediation date to January 2, 3, 4, or 5, 2024, and continue the prehearing conference. Student did not request to continue the due process hearing. Student requested additional time to prepare for mediation.

On December 8, 2023, Berkeley Unified School District opposed Student's request because the school district will be on winter break during the week Student requested a mediation. Further, the parties must prepare and file prehearing conference statements by January 3, 2024, and participating in a mediation so close to the prehearing conference date would not benefit the parties by conserving any trial preparation resources. Significantly, Berkeley argues Student did not meet and confer with Berkeley regarding mutually agreeable dates for any mediation or possible continuance to accommodate Parents' desire for additional time.

Student's request serves to cancel the currently scheduled mediation. The request to reschedule mediation is denied as mediation dates must be jointly requested by the parties.

The prehearing conference and due process hearing dates are confirmed and will proceed as calendared.

IT IS SO ORDERED.

Kara Hatfield

Kara Hatfield
Administrative Law Judge
Office of Administrative Hearings