

OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA
SPECIAL EDUCATION DIVISION

INFORMATION SHEET FOR THE OPTIONAL FORM: JOINT REQUEST TO SCHEDULE A MEDIATION AND CONTINUE HEARING DATES

General Information

The Office of Administrative Hearings, referred to as "OAH," strongly encourages parties to participate in mediation and will provide a trained mediator at no cost to the parties.

Mediation is a voluntary, confidential process conducted by a neutral mediator in a cooperative and informal atmosphere. Mediation has produced agreements in most special education cases.

Parties are encouraged to work together to choose a mediation date and may use this form to make this joint request for a mediation. If the already scheduled due process hearing date needs to be continued to give enough time to have the mediation, you may request that the due process hearing be continued to a new date. This form provides a place to make that continuance request.

If you are not represented by an attorney, you may, if needed, contact the case manager listed on the Scheduling Order for assistance in setting up a mediation.

Whether you use this form, a letter, or your own motion, the joint request for mediation must be made in writing and sent to OAH either through the U.S. mail or by email using the Secure e-File Transmission system, which is referred to as "SFT." The SFT may be found on [OAH's Website](https://www.applications.dgs.ca.gov/OAH/oahSFTWeb) or at <https://www.applications.dgs.ca.gov/OAH/oahSFTWeb>.

OAH will let all parties know the status of their request for a mediation date within two business days after OAH receives the request for a mediation.

There are many requests for mediations so you should send your request to schedule a mediation date as early as possible. Requests for mediation dates which are filed less than 10 business days before the requested mediation are far less likely to be scheduled as the calendar fills up quickly.

DUE DATE FOR REQUESTING A MEDIATION AND CONTINUING HEARING DATE

The final date to file a request for a mediation date, and for a continuance of the due process hearing dates if requested, is the date the prehearing conference statements are due in your case. The date prehearing conference statements are due is stated on the Scheduling Order which OAH sends shortly after OAH receives a Request for Due Process Hearing and Mediation. If a request to schedule a mediation date is filed after the date the prehearing conference statement is due, you will need to explain why you were unable to file the request earlier.

DATES AND TIMES FOR SCHEDULING MEDIATIONS

Mediations are generally held on Tuesdays, Wednesdays and Thursdays. Requests for mediations on Mondays or Fridays will be approved if space is available. Mediations with Los Angeles Unified School District begin at either 9:00 AM or 1:30 PM. All other mediations begin at 9:30 AM and end at about 4:30 PM. Canceling a mediation without "good cause" may result in a denial of a request to reschedule the mediation. "Good cause" means that you must have a good reason for why you had to cancel the mediation.

CANCELING A SCHEDULED MEDIATION AND RESCHEDULING A MEDIATION ALREADY SCHEDULED

If you wish to cancel a mediation, you need to tell OAH no later than noon on Friday the week before the scheduled mediation date, or as soon as the need for cancellation is known.

If you wish to schedule another mediation date after you have cancelled a mediation, you will need to explain why you canceled the prior mediation date. If the reason given does not meet the legal standard of "good cause," OAH may deny the request to reschedule the mediation.

PROVIDE THE LOCATION OF THE LOCAL EDUCATION AGENCY OR SCHOOL DISTRICT

When asking OAH to schedule a mediation date, you must include the location of the school district or local education agency where the mediation and hearing will be held. This information may be found on the original Scheduling Order sent by OAH.

CONTINUING HEARING DATES WHEN REQUESTING A MEDIATION DATE

This form may only be used to continue hearing dates if the mediation date you want is after the date scheduled for the hearing. If you want to continue the hearing date, but it has nothing to do with scheduling a mediation, you will need to submit a separate request or motion. Please see the [Self-Help Tab](#) on OAH's website under the heading "Motion to Continue a Mediation, Prehearing Conference or Hearing Dates."

If the mediation date you want is after the hearing date, you will need to give OAH new proposed dates for the Prehearing Conference and for the hearing. This form provides a section that allows parties to provide these dates.

The parties will need to choose three days for the hearing beginning on a Tuesday. For example, when choosing a Tuesday for the beginning of the hearing you must also be available for the following Wednesday and Thursday. The number of hearing days may be adjusted during the Prehearing Conference by the Administrative Law Judge.

Hearings will begin at 9:30 AM on the first day of the hearing and will begin at 9:00 AM on the second day and all days after that. For example, the hearing will start on a Tuesday at 9:30 AM. If the hearing continues on Wednesday the hearing will begin at 9:00 AM. If the hearing continues on Thursday the hearing will also begin at 9:00 A.M.

The new hearing dates must be no later than 60 days after the date on which you are asking OAH to schedule the mediation date. For example, if your mediation date is Tuesday July 2, your hearing dates must be before August 31, as August 31 is 60 days after July 2.

Recommended: OAH provides a Scheduling Guide on the OAH website, as well as a list of holidays and other dates on which OAH is not available. Please see the [Special Education Hearing and Mediation Calendar](#) page on OAH's website to access this information.

PREHEARING CONFERENCE DATE

You must also choose a date and time for a prehearing conference. Prehearing conferences are only held on Mondays or Fridays. The times for prehearing conferences are either 10:00 AM, 1:00 PM or 3:00 PM. The prehearing conference date you choose must be within 5 to 10 business days of the Tuesday you have chosen for your first day of hearing. For example, if your first day of hearing is Tuesday August 27, your prehearing conference must be on either Friday August 16, Monday August 19, or Friday August 23.

Exception: Prehearing conferences are not held in the morning on the first Monday of every month.

CONTINUING THE HEARING DATES WILL CHANGE THE DATE A DECISION WILL BE DUE

If you want to continue a hearing to schedule a mediation, the federally mandated timelines to issue a decision will also be continued.

Additional information is available on [OAH's website](https://www.dgs.ca.gov/OAH/Case-Types/Special-Education) at <https://www.dgs.ca.gov/OAH/Case-Types/Special-Education>.

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JOINT REQUEST TO SCHEDULE A MEDIATION AND CONTINUE HEARING DATES

Case Information:

Student's first and last name:

Case Number:

Request to Schedule Mediation:

MEDIATION DATES:

In the spaces below please put the mediation date you want in the space identified as "First Choice." In the space identified as "Second Choice" please put the date you want if the first date is not available.

First Choice:

Second Choice:

MEDIATION LOCATION:

The school district or local education agency where the mediation and hearing will be held:

Request for Continuance of Due Process Hearing

If you are asking OAH to schedule a mediation date that is after the currently scheduled hearing date, and you have not asked for a continuance before in your case, you will need to provide in the space below new dates for the prehearing conference and for the hearing.

Before choosing your dates for the new prehearing conference and hearing, please review the instructions at the beginning of this form. Failure to follow the instructions may result in your request for a mediation being denied.

REQUESTED HEARING DATES:

Tuesday:

Wednesday:

Thursday:

REQUESTED PREHEARING CONFERENCE DATE AND TIME:

Signature of Parties Requesting Mediation

All parties must agree on the dates requested.

All parties understand and agree that by changing the due process hearing dates they are agreeing to continue the deadline for the decision to be issued.

SIGNATURE OF PARENT OR THEIR REPRESENTATIVE AND DATE OF SIGNATURE

SIGNATURE OF DISTRICT OR LOCAL EDUCATION AGENCY OR THEIR REPRESENTATIVE AND DATE OF SIGNATURE

SIGNATURE OF OTHER PARTY OR THEIR REPRESENTATIVE AND DATE OF SIGNATURE