

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 2022010027

ORDER GRANTING REQUEST FOR SECOND MEDIATION
AND DENYING REQUEST FOR CONTINUANCE

MARCH 10, 2022

On January 3, 2022, Student filed a Request for Due Process Hearing with the Office of Administrative Hearings, referred to as OAH, naming Bonsall Unified School District as Respondent. On February 8, 2022, OAH issued an order granting the parties' joint request for continuance. That order scheduled mediation for March 9, 2022, Prehearing Conference for April 18, 2022 and Hearing beginning April 26, 2022. On March 7, 2022, Student's counsel submitted notice that the mediation was being cancelled.

On March 9, 2022, the parties jointly filed a request to schedule a second mediation and further continue the prehearing conference and hearing dates. Although

Student had originally stated no reason for cancellation of the mediation, the joint motion explained that cancellation of the mediation occurred because of medical issues on the parts of both Student and Bonsall's counsel. No evidence supported these representations. The parties requested that mediation now be scheduled for April 7, 2022, and that the Due Process Hearing be continued to May 10, 2022.

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. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) Speedy resolution of the due process hearing is mandated by law and continuance of the hearing may be granted only upon a showing of good cause. (Ed. Code, § 56505, subd. (f)(3).) In ruling upon a motion for continuance, OAH is guided by the provisions found within the Administrative Procedure Act and the California Rules of Court that concern motions to continue. (Cal. Code Regs., tit. 1, § 1020; Cal. Rules of Court, rule 3.1332.) Generally, continuances of matters are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

Although submission of evidence is generally required in connection with a request for a second mediation, in this instance, the representations of counsel as officers of the court will be accepted. In the future, counsel should submit evidence in support of such motions.

Good cause is found to schedule a second mediation. Mediation will be held on April 7, 2022. A full day mediation will be scheduled beginning at 9:00 a.m. and ending at 4:30 pm.

The parties request for continuance is denied. No good cause for continuing the matter has been offered. Furthermore, the mediation date requested pre-dates the

Currently scheduled prehearing conference and hearing dates. The prehearing conference and hearing shall proceed as ordered in the February 8, 2020 Order Granting Continuance.

IT IS SO ORDERED.

Penelope S. Pahl

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Administrative Law Judge

Office of Administrative Hearings