

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

OAKLAND UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024020124

ORDER GRANTING JOINT REQUEST FOR SECOND
MEDIATION AND CONTINUANCE OF PREHEARING
CONFERENCE AND DUE PROCESS HEARING

APRIL 9, 2024

On February 15, 2024, OAH granted a joint request of the parties to set a mediation date and continue the prehearing conference and due process hearing. Mediation took place on March 28, 2024. The hearing is currently scheduled for April 23, 2024.

On April 8, 2024, the parties filed a joint request for a second mediation and continuance of the prehearing conference and due process hearing. The parties contend the hearing should be continued because the parties have obtained additional

information and believe the matter may be resolved with a second mediation based upon this new information.

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.)

Generally, continuances are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

The parties established good cause to continue the due process hearing. The parties have obtained new information which makes the case not ready for hearing. Further, a second mediation to discuss this additional information anticipates resolution of the issues.

The request is granted. All previously scheduled dates are vacated. The new dates are:

MEDIATION will be held on May 2, 2024, 9:00 AM to 4:30 PM.

PREHEARING CONFERENCE will be held on May 24, 2024, at 10:00 AM.

DUE PROCESS HEARING will be held on June 4, through 6, 2024.

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.

No further continuances shall be granted without a written declaration stating good cause to further delay the hearing.

IT IS SO ORDERED.

Judith Pasewark

Judith Pasewark

Administrative Law Judge

Office of Administrative Hearings