BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2022010333

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

APRIL 27, 2022

On January 12, 2022, Student filed with the Office of Administrative Hearings, referred to as OAH, a request for due process hearing. On February 11, 2022, OAH continued the hearing to May 10 through 12, 2022 so the parties could participate in mediation on March 15, 2022. On March 15, 2022, the parties participated in mediation.

On April 26, 2022 the parties filed a joint request and stipulation for a second mediation to take place on May 26, 2022 and to continue the hearing to June 14 through 16, 2022. The joint request is made on the grounds that the parties previously agreed to an interim settlement agreement which called for additional assessments and

an individualized education program team meeting to review the assessments which is scheduled for May 5, 2022, after which the parties believe that a further mediation is needed to allow them to achieve a final settlement agreement in this matter.

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 for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (Ed. Code, § 56505, subd. (f)(3); Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance or imposing conditions on the continuance; and any other relevant fact or circumstance. (Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

Granted. The parties have established good cause for a second mediation and the requested further continuance of this matter from May 10 through 12, 2022 to June

14 through 16, 2022, based on reasons set forth in the papers and summarized above. However, no further continuances are contemplated. All dates are vacated. This matter will be set as follows:

MEDIATION DATE is May 26, 2022, 1:30 PM to 5:00 PM.

MEDIATION will occur via telephone or video.

PREHEARING CONFERENCE will be held on June 3, 2022, at 1:00 PM.

DUE PROCESS HEARING will be held on June 14 through 16, 2022.

PARTICIPANT INFORMATION SHEETS FOR MEDIATION AND PREHEARING CONFERENCES MUST BE FILED TWO BUSINESS DAYS PRIOR TO THE DATE OF THE SCHEDULED EVENT.

ANY CHANGES TO THE PARTICIPANTS' EMAIL ADDRESSES PROVIDED BY THE PARTIES MUST BE FILED TWO BUSINESS DAYS BEFORE THE SCHEDULED EVENT.

The hearing shall begin at 9:30 AM on all days unless otherwise ordered. The hearing shall continue day to day, as needed 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 or with a showing of good cause why it was not timely filed.

IT IS SO ORDERED.

Laurie Gorsline

Laurie Gorsline
Administrative Law Judge
Office of Administrative Hearings