BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2015100365
v.	ORDER FOLLOWING PREHEARING CONFERENCE, GRANTING REQUEST TO CONTINUE HEARING AND PREHEARING CONFERENCE
LOS ANGELES UNIFIED SCHOOL DISTRICT.	

On November 23, 2015, a telephonic prehearing conference was held before Administrative Law Judge Cole Dalton, Office of Administrative Hearings. Jane DuBovy, Attorney at Law, appeared on behalf of Student. Summer Dalessandro, Attorney at Law, appeared on behalf of District. The PHC was recorded.

Based upon discussion with the parties, the ALJ issues the following order:

1. District's Motion to Continue. This matter was scheduled for hearing beginning on December 2, 2015. On November 19, 2015, District filed a motion to continue based upon recent retention of counsel, inability to prepare witnesses for hearing over the holiday and unavailability of counsel after the initial date set for hearing. Subsequently, the parties stipulated to continued dates for hearing. This was a first request for continuance.

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).)

The hearing is continued and shall take place on January 19, 20, 21, 25, and 26, 2016, and continuing day to day, Monday through Thursday, at the discretion of the ALJ. The hearing shall take place at the Office of Administrative Hearings, located at 15350 Sherman Way, Suite 300, Van Nuys, CA 91406. The hearing shall begin at 1:30 p.m. the first day of the hearing and on Monday, January 25, 2015, and will begin at 9:00 a.m. all other days, unless otherwise ordered.

The Prehearing Conference shall take place on January 8, 2016, at 1:00 p.m.

2. Notice to Witnesses. The parties shall immediately notify all potential witnesses of the hearing dates, and shall subpoena witnesses if necessary, to ensure that the witnesses will be available to testify. A witness will not be regarded as unavailable for purposes of showing good cause to continue the hearing if the witness is not properly notified of the hearing date or properly subpoenaed, as applicable.

3. Other Matters. All other matters relevant to preparing for hearing, including clarification of the issues and identification of witnesses and exhibits, will be addressed at the prehearing conference on January 8, 2016.

4. Settlement. The parties are encouraged to continue working together to reach an agreement before the due process hearing. The parties shall inform OAH in writing immediately should they reach a settlement or otherwise resolve the dispute before the scheduled hearing. Dates for the prehearing conference and hearing will not be cancelled unless a letter of withdrawal or a request for dismissal with the signature page of a signed agreement has been received by OAH.

IT IS SO ORDERED.

DATE: November 23, 2015

/s/

COLE DALTON
Administrative Law Judge
Office of Administrative Hearings