BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

LOS ANGELES UNIFIED SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NUMBER 2020030396

# ORDER FOLLOWING PREHEARING CONFERENCE FOR HEARING BY VIDEO-CONFERENCE; SETTING PREHEARING CONFERENCE AND DUE PROCESS HEARING

APRIL 20, 2020

On April 20, 2020, Administrative Law Judge Paul H. Kamoroff, Office of Administrative Hearings, held a prehearing conference by videoconference. The Administrative Law Judge will be referred to as an ALJ; the Office of Administrative Hearings is called OAH; and a prehearing conference is called a PHC.

Patrick J. Balucan, Attorney at Law, appeared on behalf of Los Angeles Unified School District. Father appeared on behalf of Student. OAH provided a Spanish language interpreter. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

## HEARING DATES, TIMES, AND LOCATION

Mother, the Parent of record, did not attend the PHC and OAH was unable to contact Mother by telephone or electronic mail for the PHC. OAH delivered to Mother the General Order for Due Process Hearings, Order Setting Video Prehearing Conference Procedures, and Information Sheet for Prehearing Conference and Video Due Process Hearing, translated into Spanish language, on April 17, 2020, just prior to the PHC. Mother had yet to respond to the orders. During the PHC, Father was uncertain if he had legal rights for Student, had not received any OAH orders, and was unfamiliar with this matter. During the PHC, Los Angeles Unified School District did not oppose continuing the hearing dates for 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).)

Based upon the foregoing, OAH finds good cause to continue this matter. All previously scheduled dates are vacated. The case shall proceed as follows:

PREHEARING CONFERENCE will be held on June 1, 2020, at 3:00 PM.

PREHEARING CONFERENCE will occur by videoconference.

DUE PROCESS HEARING will be held on June 9, 2020, through June 11, 2020.

DUE PROCESS HEARING will occur by videoconference.

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 ALJ. PHC statements and motions are due to OAH no later than three business days before the PHC or with a showing of good cause why it was not possible to file the motion by that date.

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.

## SETTLEMENT

The parties shall immediately inform OAH in writing if they reach a settlement or otherwise resolve the dispute before the scheduled hearing. If the parties reach a

settlement within five days of the scheduled start of the due process hearing, the parties shall also inform OAH of the settlement by telephone at (916) 263-0880.

If a full and final written settlement agreement is reached after 5:00 PM the day before the hearing, the parties shall leave a voicemail message regarding the settlement at (916) 274-6035. The parties should also leave contact information such as cellular phone numbers of each party or counsel for each party. At the same time, the parties should send the signature page of the signed agreement or a letter withdrawing the case to OAH at https://www.applications.dgs.ca.gov/oah/oahsftweb.

Dates for hearing will not be cancelled until the letter of withdrawal or signature page of the signed agreement has been received by OAH. If an agreement in principle is reached, the parties should plan to attend the scheduled hearing unless different arrangements have been agreed upon by the assigned ALJ. The assigned ALJ will check for messages before the hearing.

If the matter settles subject to board approval, in addition to a signed copy of the signature page of the settlement agreement, the parties shall provide the date of the next board meeting. The hearing dates will not be cancelled without this information.

IT IS SO ORDERED.

DocuSigned by:
Paul Kamoroff
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Paul H Kamoroff
Administrative Law Judge
Office of Administrative Hearings