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 NO. 2015030823 ORDER FOLLOWING PREHEARING CONFERENCE, GRANTING PARENT'S REQUEST FOR CONTINUANCE AND SETTING MEDIATION, PREHEARING CONFERENCE AND DUE PROCESS HEARING

On April 3, 2015, a telephonic prehearing conference was held before Administrative Law Judge Chris Butchko, Office of Administrative Hearings. Mary Kellogg, Attorney at Law, appeared on behalf of Los Angeles Unified School District (District). Mother appeared on behalf of Student (Student). Illio Constanza, Global Interpreting Network, translated the proceedings for Mother. The PHC was recorded. Based on discussion with the parties, the ALJ issues the following order:

1. Request for a Continuance, On March 25, 2015, Student filed a request in Spanish for a continuance of the dates in this matter. The request was based upon the fact that the District's March 16, 2015, Request for Due Process Hearing was provided only in the English language and Mother could not read or understand the document. Mother requested a continuance of eight weeks to allow her time to prepare her defense and evidence. The District opposed the request, arguing that Student had not shown good cause. OAH denied the request for continuance on April 1, 2015, noting that Student had not conferred with District on mutually-agreeable new dates before filing the request for continuance with OAH. The Order denying continuance further stated that the request to continue could be renewed at the PHC.

At the PHC, Mother renewed her request for a continuance. District opposed the request. Both sides were heard on the issue. 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.) 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).)

Student established good cause for a continuance and the request for continuance is granted. Mother is unable to understand District's Request for Due Process Hearing without

translation of the document. Student has not previously requested a continuance, and the motion for a continuance was made shortly after receipt of District's Request for Due Process. After the ALJ indicated the intention to grant a continuance, the parties were unable to agree on dates. The ALJ set the following dates upon agreement by the parties.

All dates in this matter are vacated and continued for good cause and the matter shall be set as follows:

Mediation:	April 15, 2015 at 9:00 a.m.
Telephonic PHC:	May 8, 2015 at 3:00 p.m. The prehearing conference will be initiated by an administrative law judge. The parties shall comply with the scheduling order issued in this case and file PHC statements in a timely manner.
Due Process Hearing:	May 19, 2015 at 9:30 a.m., May 20, 2015 at 9:00 a.m., and continuing day to day, Monday through Thursday as needed at the discretion of the ALJ

2. All other PHC matters shall be addressed at the continued PHC .

3. Settlement. The parties are encouraged to continue their attempts 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. If a settlement is reached five business days or fewer before the due process hearing is scheduled to begin, the parties shall, in addition, immediately inform OAH of that fact by telephone at (916) 263-0880.

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 ALJ will check for messages the evening prior to the hearing and the morning of the hearing.

IF A FULL AND FINAL WRITTEN SETTLEMENT IS REACHED AFTER 5:00 P.M. ON THE LAST BUSINESS DAY PRIOR TO HEARING, THE PARTIES SHALL LEAVE A VOICEMAIL MESSAGE REGARDING THE SETTLEMENT AT (916) 274-6035, AND SHALL ALSO LEAVE CONTACT INFORMATION SUCH AS CELLULAR PHONE NUMBERS OF EACH PARTY OR COUNSEL FOR EACH PARTY. THE PARTIES SHOULD SIMULTANEOUSLY FAX THE SIGNATURE PAGE OF THE SIGNED AGREEMENT OR A LETTER WITHDRAWING THE CASE TO OAH AT THE FAXINATION LINE at 916-376-6319.

3. Failure to comply with this order may result in the exclusion of evidence or other sanctions.

IT IS SO ORDERED.

DATE: April 6, 2015

/s/
CHRIS BUTCHKO
Administrative Law Judge
Office of Administrative Hearings