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 2022120553

ORDER DISCHARGING ORDER TO SHOW CAUSE AND GRANTING DUE PROCESS HEARING CONTINUANCE

JANUARY 30, 2023

On January 25, 2023, the undersigned issued an order to Parent to show cause why he did not appear at the January 23, 2023 prehearing conference. On January 26, 2023, Parent filed a response explaining the circumstances. The explanation was sufficient so sanctions will not be imposed. Parent is advised to diligently appear for all OAH ordered matters.

On January 26, 2023, Parent requested a due process hearing continuance to seek counsel in this matter. Los Angeles Unified School District did not file a response to Parent's motion to continue.

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; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See 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; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

Student established good cause to continue this matter. Student's request for a due process hearing continuance is granted. All dates are vacated. The matter is set as follows:

PREHEARING CONFERENCE will be held on April 3, 2023, at 3:00 PM.

DUE PROCESS HEARING will be held on April 11, 12, and 13, 2023.

PARTICIPANT INFORMATION SHEETS FOR MEDIATION AND PREHEARING CONFERENCES 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 will 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

Cynthia Fritz

Cynthia Fritz
Administrative Law Judge
Office of Administrative Hearings