

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL DISTRICT.
OAH CASE NUMBER 2020030567

ORDER GRANTING REQUEST FOR CONTINUANCE AND
SCHEDULING MEDIATION

JUNE 12, 2020

On June 8, 2020, Parent on behalf of Student filed with the Office of Administrative Hearings, referred to as OAH, a request to continue this matter and reschedule mediation, based upon a scheduling conflict with another case pending with OAH. Los Angeles Unified School District did not oppose the request.

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. All dates are vacated. The continuance request is granted as Student has established good cause. Counsel for Student currently is in hearing in consolidated cases 2020030591/2020010712, and OAH has ordered the parties to appear on June 28, 2020; the same date as the mediation scheduled in the current case. The parties in this matter have agreed to a new mediation date, as well as due process hearing dates. This matter will be set as follows:

Mediation will be held on July 22, 2020, at 1:30 PM. The mediation will occur via telephone or video. Please see attached Order Setting Telephonic and Video Mediation Procedures.

Prehearing Conference will be held on August 31, 2020, at 1:00 PM.

Due Process Hearing will be held on September 15 through 17, 2020.

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 evidence of good cause why it was not possible to file the motion by that date.

IT IS SO ORDERED.

Jennifer Kelly

Administrative Law Judge

Office of Administrative Hearings