

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH CASE NO. 2013060529

v.

LOS ANGELES COUNTY OFFICE OF
EDUCATION AND MANHATTAN BEACH
UNIFIED SCHOOL DISTRICT,

PARENT ON BEHALF OF STUDENT ,

OAH CASE NO. 2013050117

v.

LOS ANGELES COUNTY OFFICE OF
EDUCATION AND MANHATTAN BEACH
UNIFIED SCHOOL DISTRICT.

ORDER FOLLOWING PREHEARING
CONFERENCE OF SEPTEMBER 27,
2013; GRANTING JOINT REQUEST
FOR CONTINUANCE AND SETTING
PREHEARING CONFERENCE AND
DUE PROCESS HEARING

On September 27, 2013, the parties jointly filed a request to continue the dates in this matter, based upon Parent on behalf of Student's (Student) acceptance of a statutory 10 day offer of settlement and the parties' desire for additional time to execute an agreement which reflects this offer.

On September 27, 2013, a telephonic prehearing conference (PHC) was held before Administrative Law Judge (ALJ) Paul H. Kamoroff, Office of Administrative Hearings (OAH). Bonnie Yates, Attorney at Law, appeared on behalf of Student. Siobahn Cullen, Attorney at Law, appeared on behalf of the Manhattan Beach Unified School District (District). Jennifer Williams, Attorney at Law, appeared on behalf of the Los Angeles County Office of Education (LACOE). The PHC was recorded. During the PHC, the ALJ heard oral argument pertaining to the joint 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 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. (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).) Here, there have been no prior continuances for the consolidated matter, and the parties are acting in good faith to expeditiously execute a settlement agreement which would resolve this matter.

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Granted. All dates are vacated. This matter will be set as follows:

Prehearing Conference:	October 28, 2013, at 3:00 p.m.
Due Process Hearing:	November 4-7, 2013, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. The hearing shall begin at 1:30 p.m. on the first day of hearing, and at 9:00 a.m. on each subsequent day.

IT IS SO ORDERED.

Dated: September 27, 2013

/s/

PAUL H. KAMOROFF
Administrative Law Judge
Office of Administrative Hearings